

**Council Meeting**  
**October 9, 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, DeBenedictis, and Paisley present. Mayor Smith was presiding. Recording Secretary Sue Muncey, Chief Carl Hutson, Town Manager Robert Cote, Marvin Pedigo, Shaun Condrón, Wayne Stover, Wayne Gladhill, Alice DeVore, and Tanita Freeman were also in attendance.

- 1. Call to Order** - Mr. Smith called the meeting to order at 7:00 p.m.
- 2. Pledge to the Flag** – Mr. Smith led the Pledge of Allegiance. Mr. Smith asked for a moment of silence to remember past Police Chief Darrell Weber who passed away on 10/06/23.
- 3. Determination of a Quorum** – Mr. Smith determined a quorum was present.
- 4. Approval of Minutes** –

*Mr. Carrow made a motion to accept the Council Meeting minutes of 09/11/23 and the Sewer & Stormwater Committee Meeting minutes of 10/03/23 as presented in their written form. Mr. Flatter seconded the motion. Motion carried unanimously.*

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

*Mr. Paisley made a motion to accept the September 2023 Income and Expense Reports in its written form. Ms. DeBenedictis seconded the motion. Motion carried unanimously.*

- 6. Communications** – Ms. DeBenedictis read a letter from the Smyrna-Clayton Ministerium dated 10/04/23.
- 7. Report of the Chief of Police** – Mr. Hutson stated there were 554 calls for service. This is increasing. We will probably have 600 – 700 complaint calls by the end of the year. There were 273 traffic arrests, 13 parking tickets, and 5 criminal arrests. Chief Hutson attended Kent County Police Chiefs' Meeting in Wyoming on 09/05/23. Sgt. Graham, Cpl. Bishop, Cpl. Fox, and Cpl. Perna went to Autism Training in Ocean View on 09/08/23. Lt. Scott, Cpl. Andrews, and Cpl. Fox assisted with the town-wide yard sale on 09/09/23. Lt. Scott and Cpl. Andrews attended the 9/11 Service at Smyrna Fire Company on 09/11/23. Chief Hutson attended the Police Chiefs' Meeting and Fund to Combat Violent Crime Meeting in Dover on 09/12/23. Lt. Scott attended Working with the Media Training at Clayton Fire Company on 09/13/23. Lt. Scott, Lt. Rau, and Cpl. Hume attended a meeting at Clayton Elementary School in reference to parking on 09/13/23. Chief Hutson, Lt. Scott, Lt. Rau, and Christine Letterman participated in the Unity Bike Tour when the bakers made a stop at Clayton Fire Company on 09/14/23. Chief Hutson attended the Police Chiefs' Foundation Meeting in Dover on 09/14/23. Chief Hutson ran the Police Chiefs' Golf

Tournament on 09/15/23 while Lt. Scott, Lt. Rau, and Christine Letterman helped out at Wild Quail Golf Course. Cpl. Hibbert attended the FSMA football game and Lt. Scott did the coin toss on 09/15/23. Lt. Scott, Sgt. Graham, Sgt. Bishop, Cpl. Bishop, Cpl. Fox, and Christine Letterman attended Clayton Railroad Days on 09/16/23. Lt. Scott and Cpl. Hibbert attended FSMA's football game on 09/22/23. Lt. Scott and Cpl. Andrews attended the Craft Fair held at Clayton Fire Company on 09/23/23. Lt. Scott and Cpl. Hibbert attended Movie Night on 09/30/23. Chief Hutson stated the Tahoe is in. It is on display at Fire Prevention. The two Ford pickups are ready for pickup on 10/28/23. The EV charging stations were installed.

- 8. Report of the Town Manager** – Mr. Cote respectfully submitted his report in written form. Mr. Cote updated the Council on Phase II of the sewer project. Sharon Cruz moved on. Her replacement is Shaun Condron. We were issued the permit from DelDOT. Mr. Cote gave a timeline for the project: October 22 will be the bid ad, October 29 will be the second bid ad, November 7 will be the pre-bid meeting, November 30 will be the bid opening at Town Hall, December 1 we will receive recommendations from Verdantas, and December 11 we will discuss and vote at the Council Meeting. Mr. Cote stated late winter / early spring we should have a shovel in the ground. Mr. Paisley asked if there would be an RFP. Mr. Cote stated no. Mr. Paisley asked if the Council needs to authorize the RFP. Mr. Smith stated no – they have the bid. We just vote on the recommendation.

- 9. Report of the Town Solicitor** – Solicitor not at the meeting.

**10. Reports from Members of Council**

- a. Report from Electric Committee** – Ms. DeBenedictis had no report.
- b. Report from Street Committee** – Mr. Carrow had no report.
- c. Report from Sewer & Stormwater Committee** – Mr. Flatter stated we had a meeting on 10/03/23.
- d. Report from Equipment Committee** – Mr. Paisley stated on 09/12/23 he had a meeting with Mr. Cote, and members of Public Works. He will sit with the Treasurer to come up with a number to put in the budget. Mr. Carrow asked if they could see the document. Mr. Paisley stated yes.
- e. Report from Personnel Committee** – Mr. Flatter had no report.
- f. Report from Public Safety Committee** – Mr. Smith had no report.
- g. Report from Budget Committee** – Mr. Flatter stated there is a meeting scheduled for 10/23/23 at 6:30 p.m.
- h. Report from Economic Development Committee** – Mr. Carrow stated he wanted to thank the Town Manager, Public Works, and Public Safety with Railroad Days and Movie Night. Mr. Smith thanked Mr. Carrow for setting up Movie Night.

- i. **Report from Downtown Development Rebate** – Ms. DeBenedictis had no report.
- j. **Report from DEMEC** – Ms. DeBenedictis stated they had the ribbon cutting at the training yard lineman can use for training at the DEMEC facility.
- k. **Report from Board of Adjustments** – No report.
- l. **Report from Planning & Zoning Committee** – Mr. Smith stated a meeting is scheduled for 10/25/23 at 7:00 p.m.
- m. **Appeals Board** – No report.
- n. **Law and Legislature Committee** – Mr. Paisley stated the Town Charter is not signed yet. They are in the process of reviewing the Town Ordinances. We are updating all the codes. In August they reviewed 11 ordinances. In September they reviewed 6 ordinances. In October there were 4 ordinances. There are 3 under New Business. The process for reviewing is as followed by the Solicitor: introduction at Council, go to committee, then back to Council for discussion and voting.

## 11. Public Forum

Wayne Gladhill – He lives on Longwood Lane. Was it discussed at the last meeting? He asked why the September minutes were not on the website. Mr. Smith stated the agenda is on the website. The meeting minutes need to be approved before they are posted on the website. He stated he can speak to the Chief and himself after the meeting.

Alice DeVore – She owns Fingertip Fantasies. She asked about the 30-minute parking on Clayton Avenue.

MaryEllen DeBenedictis – thanked Public Works. They asked her granddaughter everyday how she was.

## 12. Unfinished Business

### a. **Discuss and Vote on Ordinance #2023-06 – An Act to Amend Article 2-2.5 of the Clayton Municipal Code Related to Keeping of Pets. (RP)**

Mr. Paisley stated this was introduced last month. Mr. Paisley read the synopsis. This act amends the Keeping of Pets Section of the Clayton Municipal Code by adding a provision prohibiting any person from permitting or causing the torture, deprivation, and/or attack of an animal. In addition, this ordinance includes grammar corrections to the existing language.

*Mr. Paisley made a motion to adopt Ordinance #2023-06 as presented. Mr. Carrow seconded the motion. Motion carried unanimously.*

**b. Discuss and Vote on 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 stated this was introduced last month. Mr. Paisley read the synopsis. This ordinance establishes Article 1.4 of the Clayton Municipal Code and launches the Handi-Park program, wherein an individual who lives within the Town of Clayton can apply to have a reserved handicap parking spot installed outside their home if they do not have a driveway or garage to store their vehicle. Mr. Paisley stated everything after the word home was struck.

*Ms. DeBenedictis made a motion to adopt Ordinance 2023-12. Mr. Paisley seconded the motion. Motion carried unanimously.*

**c. Discuss and Vote on Ordinance #2023-13 – An Act to Amend Section 2.2-2 of the Clayton Municipal Code Related to Handling and Disposition of Garbage, Trash, and Rubbish. (RP)**

Mr. Paisley stated this was introduced last month. Mr. Paisley read the synopsis. This ordinance removes references to the Town Foreman as that position has been transitioned into the Town Manager. In addition, the act updates the dates of yard waste pickup and contains grammatical corrections to the existing language. During the discussion, 2.2-2.2i was updated from seven days to fifteen days.

*Mr. Paisley made a motion to adopt Ordinance #2023-13. Ms. DeBenedictis seconded the motion. Motion carried unanimously.*

**d. Discuss and Vote on Ordinance #2023-04 – An Act to Amend**

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

**d. Discuss and Vote on Ordinance #2023-14 – An Act to Amend Article 2.3-1 of the Clayton Municipal Code Related to Open Burning. (RP)**

Mr. Paisley stated for this ordinance he took a revision and expanded it. Mr. Paisley read the synopsis. The ordinance reforms the open burnings section of the Town of Clayton code, establishing the Fire Prevention and Mitigation Act, and clarifying the objects and items that shall not be burned within the Town of Clayton. Furthermore, it adds exemptions to the article, like barbeque grills and fireplaces. In addition, the act requires secured key systems in new commercial construction and gives existing applicable establishments until July 1, 2024, to install the same.

Mr. Paisley stated the Town Solicitor had an issue with the Knox box (secure key system) being included in this ordinance. This should have its own ordinance. Mr. Paisley recommends striking that verbiage. Mr. Carrow stated we try to have all businesses have a Knox box. They are expensive. It would be put on the landlord. Ms. DeBenedictis asked about the open burning. Mr. Carrow stated the Fire Marshal

regulates this. The State supersedes. Mr. Smith asked if there was an objection to removing Section 2.3-1.5 and .6.

***Mr. Paisley made a motion to adopt Ordinance #2023-14 with changes. Mr. Flatter seconded the motion. Motion carried unanimously.***

**e. Discuss and Vote on Parking Restrictions for Longwood Lane. (WC)**

Mr. Carrow stated issues were brought before Council. Public Works and emergency vehicles had issues getting down Spelt Drive, Island Lane, and the circles in Providence Crossing. Longwood Lane asked to fix the issue themselves. They had until September 30<sup>th</sup> to do so. The Fire Chief has no issues. Public Works has no issues. Mr. Carrow stated he recommends leaving as is. If it arises again, we will have to bring it up. The remainder of the Council had no issues with this. Mr. Flatter had an issue moving forward with this. Do we look at this again? Mr. Carrow stated when there is an issue. Mr. Flatter asked what is their mitigation plan? Mr. Carrow stated parking on the curb and in the grass and staggering. Mr. Smith stated the recommendation is to be noted.

**f. Discuss and Vote on Potential Acquisition of 408 Main Street. (RC)**

Mr. Cote stated the potential for asbestos was tested. A little bit was found. The basement remnants of the pipe fittings and pipe wrap insulation tested positive for asbestos. All the debris on the ground and remaining debris on piping in the basement of the home is deemed positive for asbestos. Mr. Cote stated he spoke with the contractor, and the total cost for removal would be \$1,250. Mr. Smith asked what was the total cost of the acquisition? Mr. Cote stated \$200,000 for the property, \$43,350 for demo #1, and \$29,600 for scope of work for the parking lot. Or \$29,800 for scope of work for the parking lot #2 and \$42,500 for demo #2. Mr. Smith stated the average cost would be \$280,000. Mr. Smith asked if the parking lot included the curb work. The answer was no. Mr. Smith opened it up for discussion. Mr. Paisley stated he believes in helping the Senior Center. We are the financial custodian for the taxpayer. With the new town hall there will be parking. Mr. Paisley stated he spoke with people on Main Street, and they are not in favor of it. Ms. DeBenedictis stated she is not in favor. Mr. Carrow stated there is a drastic need for parking. He spoke to some neighbors, and they are in favor. There is money out there to handle the cost. Mr. Carrow supports it. Mr. Flatter stated he would agree with Mr. Carrow, but there is talk about our lots when we sell town hall. Mr. Carrow asked how many parking spots there would be. Mr. Cote stated 24 +/- . Mr. Carrow stated you will not get 24 spots here. Mr. Carrow asked when people come to the center and cannot find parking, what do they do? Mr. Stover stated not come or they park way down the street. Mr. Carrow stated there could be money in Downtown Development to tear down the house. Mr. Paisley asked when the contract was up. Mr. Stover stated the end of October. Mr. Cote stated the final date is 10/17/23 and settlement is 11/01/23.

***Mr. Flatter made a motion not to acquire 408 Main Street. Ms. DeBenedictis seconded the motion. Motion carried unanimously.***

### 13. New Business

**a. Introduction of Ordinance #2023-18 – An Act to Amend Article 3.3-1.14 of the Clayton Municipal Code Related to Miscellaneous Parking. (RP)**

Mr. Paisley read the synopsis. This act amends the Miscellaneous Parking section of the Clayton Municipal Code, making it applicable to RVs and Campers. In addition, the ordinance extends the time period that the stipulated vehicles may park on the street and public property of the Town of Clayton from 24 to 72 hours.

Mr. Smith recommends moving this to the committee.

**b. Introduction of Ordinance #2023-19 – An Act to Amend Article 1.1 of the Clayton Municipal Code Related to Buildings. (RP)**

Mr. Paisley read the synopsis. This act overhauls and redesigns the Town of Clayton's building permit ordinance. It establishes the permit requirement, including exemptions, repairs, the application process, the Town's responsibility in applications, time constraints of the permit, its validity, required approvals, extensions, expirations, suspensions, display requirements, after-the-fact permitting, and related fees.

Furthermore, this ordinance details the inspection procedure, responsibilities, the certificate of occupancy requirements, connection and disconnection to service utilities, and outlines ways and mechanisms to appeal decisions. Additionally, the act spells out the violations and penalties around building permits, as well as the Town's ability to and procedure for issuing a Stop Work Order.

Mr. Smith recommends moving this to the committee.

**c. Introduction of Ordinance #2023-20 – An Act to Amend Article 4.1-1 of the Clayton Municipal Code Related to Business Licenses. (RP)**

Mr. Paisley read the synopsis. This act renames Title 4 to deal with licensing and designates Article 4.1 to deal with business and contractor licensing and removes the previous language. In addition, this ordinance spells out the purpose, definitions, and requirements for a business license, as well as the contents of the application, the review of the license, its time period, renewal, and fees. Furthermore, it notes prohibitions against transferring a license and penalties for violations. The act also entails the suspension of a business license, the appeals procedures, inspections, and requirements to display. Finally, the act contains a provision for contractor's licenses.

Mr. Smith recommends moving this to the committee.

**d. Discuss and Vote on Sewer & Stormwater Committee's Recommendation to Council Regarding the FY'24 Sewer Rate Structure. (RC)**

Mr. Cote reviewed Figure 1 and Figure 2 with the Council. Figure 3 shows the FY 2023 and FY 2024 rates from Kent County and Town of Smyrna. The average rate of increase is 9.70%. Mr. Smith stated the rates have already gone into effect as of 07/01/23. We are trying to make this equal as much as possible. The change will not take effect until 01/01/24. Mr. Carrow asked what the average cost is. Mr. Cote stated 90% of customers use between 4,000 and 9,000 gallons. Mr. Flatter stated 5,000 to 7,000 gallons is the average. The average increase would be \$4 to \$7. It will be 1 for 1. Mr. Cote did a good job being fair and equitable.

***Mr. Flatter made a motion to approve the FY-24 sewer rate structure. Ms. DeBenedictis seconded the motion. Motion carried unanimously.***

Mr. Smith requested a five-minute recess.

***Mr. Paisley made a motion to take a five-minute recess and enter into Executive Session. Mr. Flatter seconded the motion. Motion carried unanimously at 8:08 p.m.***

Mr. Smith brought the meeting back to order. He stated we are removing the Executive Session from the agenda.

**14. Adjournment**

***Mr. Carrow made a motion to adjourn. Mr. Paisley seconded the motion. Motion carried unanimously. The meeting was adjourned at 8:16 p.m.***

Recording Secretary,

Sue Muncey