

Council Meeting
March 11, 2024
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 DeBenedictis. Town Manager Robert Cote, Recording Secretary Sue Muncey, Lieutenant Shawn Rau, Town Solicitor Liam Gallagher, Jonathan Burnett, Marvin Pedigo, Rodney Whalen, Wayne Gladhill, and David Ross were also in attendance.

1. **Call to Order** - Mr. Carrow called the meeting to order at 7:00 p.m.
2. **Pledge to the Flag** – Mr. Cote led the Pledge of Allegiance.
3. **Determination of a Quorum** – Mr. Carrow determined a quorum was present.
4. **Approval of Minutes** –

Mr. Flatter made a motion to accept the Council Meeting minutes of 02/12/24 and the Special Council Meeting minutes of 02/16/24 as presented in its written form. Ms. DeBenedictis seconded the motion. Motion carried unanimously.

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

Mr. Flatter made a motion to accept the February 2024 Income and Expense Reports in its written form. Ms. DeBenedictis seconded the motion. Motion carried unanimously.

6. **Communications** – Ms. DeBenedictis read a letter dated 03/11/24 from Mayor Smith, a letter from Special Services Office of the Smyrna School District dated 02/27/24, and a thank you note from the Ruppert Family.

7. **Report of the Chief of Police** – Mr. Rau stated there were 488 calls for service, 7 traffic accidents, 242 traffic arrests, and 11 criminal arrests. Chief Hutson attended the Kent County Chief's Meeting on 02/06/24. Lt. Scott did a presentation about fraud prevention at the Lillian Smith Senior Center with his therapy dog Charlie on 02/07/24. Chief Hutson attended the Police Chief's Meeting in Dover on 02/13/24. Chief Hutson and Cpl. Hume were present at Clayton Intermediate School's lockout drill on 02/16/24. Chief Hutson and Ms. Letterman attended the Delaware League of Local Government's dinner meeting on 02/22/24. Lt. Scott and Cpl. Hume were present at Clayton Intermediate School's basketball game on 02/29/24.

8. **Report of the Town Manager** – Mr. Cote stated Licensing and Inspections has made good progress on three (3) locations. Mr. Carrow thanked Mr. Cote for his service and wished him luck in his position with DEMEC. We will continue to work together. Mr. Cote thanked Council and will continue to be an advocate for them.
9. **Report of the Town Solicitor** – Mr. Gallagher had no report.
10. **Reports from Members of Council**
 - a. **Report from Electric Committee** – Ms. DeBenedictis had no report.
 - b. **Report from Street Committee** – Mr. Carrow stated in the recent meeting some sidewalks will be repaired and streets will be blacktopped. They are waiting on pricing. May/June time frame.
 - c. **Report from Sewer & Stormwater Committee** – Mr. Flatter had no report.
 - d. **Report from Equipment Committee** – Mr. Carrow had no report.
 - e. **Report from Personnel Committee** – Mr. Flatter stated on 03/19/24 there will be an Executive Session meeting. Mr. Cote stated the candidate responded.
 - f. **Report from Public Safety Committee** – Mr. Carrow had no report.
 - g. **Report from Budget Committee** – Mr. Flatter had no report.
 - h. **Report from Economic Development Committee** – Mr. Carrow had no report.
 - i. **Report from Downtown Development Rebate** – Ms. DeBenedictis stated a new roof is being put on at a residence on Roth Alley.
 - j. **Report from DEMEC** – Ms. DeBenedictis had no report.
 - k. **Report from Board of Adjustments** – Mr. Carrow had no report.
 - l. **Report from Planning & Zoning Committee** – Mr. Carrow stated the next scheduled meeting will be on 03/27/24 at 7:00 p.m.
 - m. **Appeals Board** – Mr. Carrow had no report.
 - n. **Law and Legislature Committee** – Mr. Carrow had no report.
 - o. **Building Committee** – Mr. Carrow stated we met last week reference a new town hall and police department. We will move forward with a new building.

11. Public Forum

No comment

12. Unfinished Business

No business

13. New Business

a. Introduction of Ordinance 2024-03 – An Act to Amend Article 1.1 of the Clayton Municipal Code Related to Buildings.

Mr. Cote read the synopsis: This act overhauls and redesigns the Town of Clayton's building code ordinance. It enumerates the various codes used by the town in building construction, their applicability, and notes the duties and powers of the code official. In addition, the act spells out the permitting requirements, submitted documents, fees, and inspections. Furthermore, this act includes provisions for temporary structures and uses, certificates of occupancy, service utilities, appeals, as well as violations and penalties. Finally, this ordinance adjustment contains sections for stop work orders, unsafe structures and equipment, and contractor licensing. Mr. Carrow tabled this ordinance and sent to the Law and Legislature Committee for review.

b. Introduction of Ordinance 2024-04 – An Act to Amend Title 4 of the Clayton Municipal Code Related to Business and Contractor Licensing.

Mr. Cote 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, inspections, and requirements to display. Finally, the act contains a provision for contractor's licenses. Mr. Carrow tabled this ordinance and sent to the Law and Legislature Committee for review.

c. Introduction of Ordinance 2024-05 – An Act to Create Article 8.9 of the Clayton Municipal Code Related to the Department of Inspections and Enforcement.

Mr. Cote read the synopsis: This act codifies the Department of Inspection and Enforcement of the Town of Clayton into the municipal code. Furthermore, it notes the duties of the Code Official, their jurisdiction over licensing, applications, inspections, and permits. In addition, this includes provisions for required identification, right of entry, records of the department and liability. Finally, this act establishes the appeals process and the penalties for violations of the specified sections of code. Mr. Carrow tabled this ordinance and sent to the Law and Legislature Committee for review.

d. Introduction of Ordinance 2024-06 – An Act to Amend Title 3 of the Clayton Municipal Code Related to Police Enforcement of the Laws of the State of Delaware, Houses of Prostitution and Gambling, and Skateboards.

Mr. Cote read the synopsis: This act removes the Houses of Prostitution and Gambling sections of the Clayton Municipal Code as those crimes would now be handled via the State of Delaware Criminal Code and not Town Ordinance. In addition, it removes the prohibition against skateboards in the Town and makes a general update to the opening clause of the Police Title. Mr. Carrow tabled this ordinance and sent to the Law and Legislature Committee for review.

e. Introduction of Ordinance 2024-07 – An Act to Amend Article 3.2-3 of the Clayton Municipal Code Related to use of Vehicle, Public Street, or Public Place for Sleeping Quarters.

Mr. Cote read the synopsis: This act adds an exemption for commercial truck drivers and RVs to the section of the Clayton Municipal Code that prohibits using a vehicle on the streets of the town for sleeping quarters. Mr. Carrow tabled this ordinance and sent to the Law and Legislature Committee for review.

f. Introduction of Ordinance 2024-08 – An Act to Amend Article 3.3-7 of the Clayton Municipal Code Related to Basketball Poles and Other Items Left in the Roadway.

Mr. Cote read the synopsis: This act removes the prohibition of placing a basketball pole on the street and maintains the moratorium on storing one on the public avenues. In addition, it removes the stipulation that places liability for the basketball pole left on the roadway on the nearest homeowner and clarifies that at no time shall a basketball pole or similar device impede traffic. Finally, this includes grammatical corrections to the existing language. Mr. Carrow tabled this ordinance and sent to the Law and Legislature Committee for review.

14. Adjournment

Mr. Flatter made a motion to adjourn. Ms. DeBenedictis seconded the motion. Motion carried unanimously. The meeting was adjourned at 7:20 p.m.

Recording Secretary,

Sue Muncey