

COUNCIL MEETING

May 12, 2014

The re-organization meeting of Mayor and Council was held on the above date with Council members Dias, DeBenedictis, Carrow and Letterman present with Mayor Horn presiding. Recording Secretary Melissa Knight, Town Foreman Hurlock, Chief Hill, Ryan Quackenbush, Wayne Stover, Steve Turner, Kathy Tucker, Paulette Arnold, Cordell Carr, Jerry Dorsey, William Spence, Lisa Wanamaker, Linda Keeler, Sandy DeLane, and Jenn Daily were also in attendance.

1. Approve Minutes:

Council Meeting 4/14/14 – motion made by Mr. Carrow and seconded by Mr. Dias to approve the Council Meeting as presented. Motion carried unanimously.

Budget Committee Meeting 04/10/14 – motion made by Mr. Dias and seconded by Mr. Carrow to approve the Budget Meeting as presented. Motion carried unanimously.

Street Committee Meeting 04/29/14 – motion made by Mr. Carrow and seconded Mr. Dias to approve the Street Committee Meeting as presented. Motion carried unanimously.

2. Treasurer's Report:

Motion made by Mr. Dias and seconded by Mr. Carrow to approve the Treasurer's Report as presented. Motion carried unanimously.

3. Communications:

- Mr. Horn advised the public that starting June the Public Forum will start at 7:15 p.m. to 7:30 p.m.
- Ms. DeBenedictis read the communications. The Town of Clayton received a thank you card from the Smyrna/Clayton July 4th Association regarding the \$3,000 donation. (See attached)
- Mayor Horn received an e-mail from Charlie Emerson about helping the Town of Clayton in receiving grant money to extend the bike and pedestrian path in front of Brother's Electric and Schwan's.

4. Inspections/Enforcement:

- See attached – Inspection & Enforcement count
- Mr. Hurlock has started sending letters to residents for grass violations. Mr. Hurlock has received some complaints, but it's not a violation until it is 12".

5. Street:

- Mr. Letterman stated the drainage problem on S. Bassett Street will be taken care of by the town crew.

6. Water & Sewer:

- Mr. Hurlock stated the Town of Clayton applied for a grant, through Homeland Security and Rural Water Association for security measures for video cameras around the well house and sewer system. We did receive the grant and it's about \$40,000.

7. Equipment:

- Ms. DeBenedictis – The Public Works truck should be in anytime. The self-financing will be finalized at the next Council Meeting with the town doing the financing. We will save approximately \$5,000.

8. Police:

- Mr. Dias – He has looked over the police reports for the past few months. Crime in the Town has increased 28% in the last four (4) months. The Town should look at ways in funding for more police officers. The Town of Clayton is growing. Mr. Dias says 25 more homes are expected to be built in the next year.
- Chief Hill said on April 29th the police department was awarded \$13,000 from the SLEAF fund to equip the new police cars with cameras.
- Ms. DeBenedictis asked the Chief if the two (2) new cars were on the street. Chief Hill responded one is currently patrolling the streets. The other vehicle has an appointment for the camera to be installed by the State of Delaware and is scheduled for May 25th to have the equipment installed. Ms. DeBenedictis – Is the police dog retired and is the car for sale? Chief Hill responded the police dog is retired and the car isn't posted for sale as of yet but will be.
- Mr. Carrow – Have we had anyone complaining about the speeding issue in Providence Crossing? Chief Hill – He had a State trooper call and the trooper did stop someone the other night speeding on Coldwater Drive. Mr. Carrow – How many hours has the officers patrolled in Providence Crossing? Chief Hill – I can research that information and forward the hours to Council. The Officer is here tonight.

9. Budget:

- Mr. Letterman - A budget meeting is scheduled for May 27th at 6:30 p.m.

10. DEMEC:

- Ms. DeBenedictis – At the April board meeting DEMEC has proposed the municipalities can sign up to have the electric paid automatically out of the checking account instead of writing a check. This is not mandatory.

11. Planning & Zoning:

- Mr. Hurlock – Comp. Plan update still in progress and also preparing for the source water protection plan. Once these plans are complete, the consultant will be attending the planning and zoning meeting.
- Liberty Knoll is resubmitting a plan to change the subdivision plan. The committee liked the new layout and will need to start from scratch.

12. Unfinished Business:

- Second reading – Flood Plain being repealed and new one adopted – Mr. Hurlock stated FEMA is revising all municipalities to have the same flood plain. The Town of Clayton currently has ten (10) homes in the flood plain. The revised flood plain will state a home will need to be 12” above the free board instead of 10”. This will cut the homeowners insurance in half.

Mr. Dias made a motion to adopt the new Flood Plain Ordinance as written, seconded by Ms. DeBenedictis. Motion carried unanimously.

- First reading for the amendment to the Business License – See attached

13. New Business:

- Swearing in of New Town Council Members: Dave Letterman & Mary Ellen DeBenedictis – Superior Court Judge Vaughn of the State of Delaware swore in Mr. Letterman and Ms. DeBenedictis.

- **Re-Organizational Meeting:**

Election of Officers:

President of the Council – Mr. Dias nominated Mr. Horn as Mayor, seconded by Ms. DeBenedictis. Motion carried unanimously.

Vice Mayor – Ms. DeBenedictis nominated Mr. Dias as Vice Mayor, seconded by Mr. Carrow. Motion carried unanimously.

Secretary – Mr. Carrow nominated Ms. DeBenedictis as Secretary, seconded by Mr. Dias. Motion carried unanimously.

Treasurer – Mr. Carrow nominated Mr. Letterman as Treasurer, seconded by Mr. Dias. Motion carried unanimously.

Asst. Treasurer – Mr. Dias nominated Mr. Carrow as Asst. Treasurer, seconded by Ms. DeBenedictis. Motion carried unanimously.

Appoint Committees:

Electric: Mr. Dias, Ms. DeBenedictis, Mr. Horn, and Mr. Hurlock as advisor. Motion carried unanimously.

Street: Mr. Letterman, Mr. Carrow, Mr. Dias, and Mr. Hurlock as advisor. Motion carried unanimously.

Water & Sewer: Mr. Carrow, Mr. Letterman, Ms. DeBenedictis, and Mr. Hurlock as advisor.

Motion carried unanimously.

Personnel: Ms. DeBenedictis, Mr. Letterman, and Mr. Dias.

Motion carried unanimously.

Equipment: Ms. DeBenedictis, Mr. Horn, and Mr. Carrow.

Motion carried unanimously.

Police: Mr. Dias, Mr. Horn, Mr. Carrow, and Chief Hill as advisor.

Motion carried unanimously.

DEMEC: Ms. DeBenedictis, Ms. Muncey (alternate), and Mr. Hurlock as advisor.

Motion carried unanimously.

Budget: Mr. Letteman, Mr. Horn, Mr. Dias, Ms. DeBenedictis, and Mr. Carrow.

Motion carried unanimously.

Board of Adjustments: Mr. Blackstone, Mr. Kennedy, Mr. Hill, and reassign Mr. Petro.

Motion carried unanimously.

Planning & Zoning: Mr. Watts, Mr. Seger, Mr. Brockenbrough, Mr. Stover, and Mr. Ruppert.

Motion carried unanimously.

Appeals Board (Bldg. Code): Mr. Jones, Mr. Watts, and Mr. Ide.

Motion carried unanimously.

- Annual Business License – Jamrock Caribbean Restaurant Lounge – Mr. Hurlock stated this is a name change and the business meets zoning requirements.

Mr. Carrow made a motion to accept the business license for Jamrock Caribbean Restaurant Lounge, seconded by Mr. Dias. Motion carried unanimously.

- Annual Business License – Divine Hair Designs – Mr. Hurlock stated this business is located in the same building as Jamrock Caribbean Restaurant Lounge. The business meets all requirements and has its cosmetology license.

Mr. Carrow made a motion to accept the business license for Divine Hair Designs, seconded by Mr. Dias. Motion carried unanimously.

- Annual Business License – Impact Insurance Agency, Inc. – Mr. Hurlock stated this business is located on Main Street and the business meets zoning requirements.

Mr. Carrow made a motion to accept the business license for Impact Insurance Agency, Inc., seconded by Mr. Dias. Motion carried unanimously.

- Annual Business License – Cuddlebugz Home Daycare – Mr. Hurlock stated this business is located at 58 Christiana River Drive and meets all Town of Clayton business license requirements. Mr. Hurlock did state to Council she would have to check the deed restrictions with Providence Crossing.

Mr. Carrow made a motion to accept the business license for Cuddlebugz Home Daycare, seconded by Mr. Dias. Motion carried unanimously.

- Annual Business License – HGC Group – Mr. Hurlock stated this license should be a contractor's license and not a business license. He has contacted the owner.
- Approve loan agreement for public works truck – this item was scratched from the agenda and placed on June's agenda.
- First reading – to amend the Subdivision Ordinance – See attached documentation.

- Discussion of dog waste signs for Wheatley's Pond – Mr. Letterman stated if a development wants dog waste signs it would be the responsibility of the HOA to purchase these signs and the town would determine the placement of the signs.
- Approve on curb obstruction on Preston Lane – Mr. Letterman talked about the raised curb obstruction on Preston Lane. The funding to repair this issue would come from the impact fee account.

Ms. DeBenedictis made a motion to repair the raised curb obstruction at 188 and 152 Preston Lane and the funding for the repairs would come from the Impact Fee account, seconded by Mr. Dias. Motion carried unanimously.

- Vote on removal of handicap parking at 429 Main Street - Mr. Letterman – This is a housekeeping item. The resident has moved out of 429 Main Street and she had requested handicap parking.

Mr. Carrow made a motion to remove the handicap parking at 429 Main Street, seconded by Mr. Dias. Motion carried unanimously.

- Lisa Wanamaker – Dog Ordinance – Ms. Wanamaker stated the town is growing and I'm not sure how long the dog ordinance has been in place. In Huntington Mills and Providence Crossing the at-large dog ordinance and the SPCA ordinance is different. By the time someone calls about a dog at-large, the dog is back into the house. Her concern is get attacked or others. If a resident has an invisible fence, maybe they need to have that posted.
Mr. Horn – stated Chief Hill has received other municipality ordinance regarding this issue. Mr. Dias said he will schedule a police committee meeting and will have someone call Ms. Wanamaker to let her know when this is scheduled.

14. Public Forum:

- Tangie Veney of Providence Creek – My concern is about the basketball courts in the developments. Many of us have young children. Please help me understand the basketball court, potholes, teenager having parties with loud music and speeding in the development and nothing is being done. Chief Hill stated the Town of Clayton has an ordinance that the basketball net cannot be in the streets. It can be in your driveway or in your back yard, and as long as you don't have a deed restrictions. Mr. Dias stated the residents signed and received paperwork regarding the deed restrictions in Providence Crossing. Mr. Chambers stated the Town of Clayton can enforce the town ordinance about the basketball net in the road. The town can not enforce any kind of deed restrictions.
- Lisa Wanamaker – Spoke up and said the kids that are playing basketball in the streets do not move for the vehicles.
- Chris Simmons – I have 3 children and the basketball net has been up since November 2012 and just received a notice about this issue. Providence Crossing

doesn't have a HOA. I have my basketball net on my property. Mr. Dias stated the builder is the person to enforce the deed restrictions.

- Jerry Dorsey - Huntington Mills also has deed restrictions regarding basketball nets.
- Sandy Delane – If this is a problem what about a park for the children to play?
- Cordell Carr - The basketball nets are also on the sidewalk. This is a problem.
- Kathleen Tucker – West Street – My mother's home was broken into after she passed. They have not caught the guy as of yet. I haven't receive a police report. I was told there is nothing we can do it wasn't a high dollar. I have a meeting next week with the representative and have drafted a letter and the repeat offenders and the nuisance house on our block. I am not happy about the way this was handled. Mr. Horn – Chief Hill will look into this matter, and you may come in tomorrow morning to pick up a copy of the report.
- Lisa Wanamaker – Wanted to know what the crimes are in the town and what the numbers are? Mr. Dias said the town had 919 calls and complaints.
- Mr. Quackenbush – I live in Providence Crossing, I have been a police officer for 8 years and the speeding in Providence Crossing is out of control. I really appreciate the new stop signs. The residents are flying right through them. The town police are doing their job. It's the residents who are speeding in the development and not stopping at the stop sign. The other day my wife and I are outside and I am pretty good at estimating the speed a vehicle is going. This particular vehicle was going 45 to 50 on Coldwater and didn't stop at the stop sign. In a residential neighborhood in Delaware, the speed limit is 25 MPH. Mr. Quackenbush suggested installing speed bumps.
Mr. Carrow asked about installing speed limit signs. Mr. Hurlock said the one end of Coldwater is under construction. What about children at play signs?
- Mr. Spence – How about installing grooves in the roadway?
- Mr. Carrow – To save time how about scheduling a Street Committee Meeting to address these concerns: speeding, installing signs, speed bumps, etc.
- Ms. Wicks – What happened to the Town Watch? Mr. Dias said no volunteers. Ms. Wicks said her 10 year old walked from the back of the house to the front around 10 p.m. and someone was at her front door trying to get in. I know where this person went. I'm afraid to leave my children who are of age to stay home alone because of what is happening on West Street.
Mr. Carrow advised the public if you have an emergency or a non-emergency please call 911. Do not call the Clayton Police Station number, call 911. The operator will ask if it is an emergency or non-emergency.
- Paulette Arnold – She is afraid of living on West Street. I have lived in town for a long time and haven't felt this way until now. I would like to see this issue resolved.

- Mr. Harris – What about installing the solar speed limit signs? Mr. Harris is afraid for his children playing with the amount of speeders in the developments. He said the cars that are speeding are out of state vehicles.

15. Adjournment:

*Motion made by Mr. Carrow and seconded by Mr. Dias to adjourn.
Motion carried unanimously.*

Recording Secretary,

Melissa J. Knight