

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING FEBRUARY 3, 2020**

Mayor Murray welcomed everyone and called the meeting to order at 7 o'clock p.m. Also in attendance were Councilmen Jay Murray, Richard Duncan, Frank Smith and Clarence Tingle.

The meeting was properly posted.

1. Public Hearing –

**ON THE SUBJECT OF REVISING, UPDATING AND AMENDING
THE COMPREHENSIVE PLAN FOR THE TOWN OF SELBYVILLE,
INCLUDING, BUT NOT LIMITED TO THE TEXT THEREOF AND
ALL ATTACHED MAPS THERETO.**

Mayor Murray read the Resolution by Title only and stated that this is a project the Council has been working on for some time. He introduced Debbie Pfeil from KCI, the company hired three years ago by the Mayor and Council to complete the updated Comprehensive Plan for the town. Ms. Pfeil explained that every ten years the state requires every municipality in Delaware to update their Comprehensive Plan. The purpose is for each municipality to evaluate where it is, what has worked and what hasn't worked, what they want to preserve and protect, how to keep up with the trends, and where they want to go in the future. The Comprehensive Plan includes several components required by the state. Ms. Pfeil stated that the proposed document for the Town of Selbyville includes 13 chapters and 11 maps. This is the third Comprehensive Plan written by the Town of Selbyville and has included multiple public meetings involving both the Mayor and Council and the Planning and Zoning Commission.

Ms. Pfeil explained that they look at the last Comprehensive Plan, take all the current census information and factual data, looking at where the developments are and where the growth trends are, and populate all the information into the document. She stated that they also look at the town's water and sewer capacity and police services. Additionally, they look at services provided by other agencies, in particular transportation. Ms. Pfeil stated that the majority of that burden rests on the county and, most heavily, on DeIDOT. The need is justified in the document. She stated that the town works with the developer and with the State of Delaware on where they're going to put infrastructure and where they're going to do improvements. The town's Comprehensive Plan says that the town still needs to work with the county and with the state to handle adequate growth on the services it provides. Ms. Pfeil stated that there is also a Preliminary Land Use Services (PLUS) Process. Every municipality takes their document in a draft format to the state for review. State agencies such as DNREC, DeIDOT, DART, State Historic Preservation Office, State Planning and the Fire Marshall go through the document with a fine tooth comb and they "red line" it. The PLUS Process looks at how the town's plan fits within the higher plan of the state and looks at what they can do to help the municipality. They may determine that some things are not realistic or that some of the things cannot take place. Ms. Pfeil stated that she and Town Administrator Stacey Long received really good comments

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when they met with these agencies, with DelDOT even referring to it as a model plan. Ms. Pfeil stated that they referred to a lot of resources in the Comprehensive Plan to help people understand how development happens. It outlines the town's responsibilities as well as those of the county and of the state. They also received positive comments from the of Department of Natural Resources and State Preservation. She advised that the official comments will be received in about two weeks and then it will be her job to take those recommendations and provide the Mayor and Council with an updated draft of the plan.

Continuing, Ms. Pfeil stated that there have been four properties in the past couple of years that have been asked by their owners to have their Future Land Use changed. These, and only these, have been changed in this document. She explained that this means within 18 months these properties have to be rezoned. Within 18 months, the Future Land Use Map has to be compliant with the zoning map.

Ms. Pfeil stated that the Comprehensive Plan is a legal document. She stated that it is not a one solve, one solution fits all document, but rather a guidance legal document. She stated that there are several recommendations for the Mayor and Council to consider as far as goals, meaning housing goals and transportation goals and utility goals and such. Ms. Pfeil was specific in letting the public know that all these goals take time and money and that they were not prioritized. If funding comes available from either state or federal agencies, the Mayor and Council will then determine what goal they want to pursue at that time.

Ms. Pfeil concluded her presentation by stating that the town is waiting for the official comments from the PLUS Process. By law, the town must have a Public Hearing on the document and, until its adoption, can accept written comments from the public. She advised that the document is available on the town's website at selbyville.delaware.gov. Stacey requested that comments be received by the March 2, 2020 meeting for an anticipated adoption date of April 6, 2020.

Councilman Tingle stated that this document is a lot more extensive than the last Comprehensive Plan due to the increase in population, which is one of the reasons it's taking longer to draft. Ms. Pfeil added that this is the first time Selbyville has inventoried every single property in town. She stated that it was done parcel by parcel, identifying existing uses and future uses, including non-conforming use properties, Board of Adjustment properties and annexation properties. She stated that Stacey had been great to work with and had kept the costs down by doing a lot of the leg work herself.

The Mayor stated that this plan will have minimal effect on the town. Ms. Pfeil agreed and said that the plan does not change the growth boundaries of the town. It is exactly the very same footprint. She stated that the town limits did change to reflect properties that have been annexed

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in since the last Comprehensive Plan was adopted 10 years ago. An audience member asked if the infrastructure for a proposed development was included in the plan. Ms. Pfeil stated that, yes, the annexation growth area is one of the maps included in the plan. She added that the state will not let you annex unless you first prove on the Plan of Services Application that you can provide water and sewer services. Councilman Murray stated that those properties have been annexed into the town for at least 10 years, at which time density was established, and approved by the state in the last Comprehensive Plan.

Members of the audience raised concern about traffic on Route 54. The Council reiterated that Route 54 is a state maintained road and that the town has no control over it, that it is a DelDOT issue. Ms. Pfeil supported the Council and stated that, although there is a concern about surrounding transportation and infrastructure, the provider is not the municipality. She stated that in order for a development to come into a municipality's growth area, it must go through DelDOT, and the developer would not be allowed to build if DelDOT determined they could not provide services. Within this Comprehensive Plan, Ms. Pfeil stated that the town has strongly recommended continued dialogue that DelDOT consider looking at their infrastructure services. She stated that this is a statewide recommendation in all towns based on the demand of growth.

There being no further public comment, Councilman Duncan made a motion to close the Public Hearing. Motion seconded by Councilman Smith and carried by all.

Mayor Murray called the Regular session of the Town Council Meeting to order and led in the Pledge of Allegiance.

2. Opening of Meeting –

A. Presentation of the Minutes of the January 6, 2020 meeting by Mayor Murray. Councilman Smith made a motion to dispense with the reading of the Minutes and to approve them as presented. Motion seconded by Councilman Tingle and carried by all.

B. Presentation of the January 31, 2020 bills by Mayor Murray. After review by the Council, Councilman Tingle made a motion to pay the bills as presented. Motion seconded by Councilman Duncan and carried by all.

3. Mayor's Report –

Mayor Murray presented a Proclamation to the Selbyville Community Club proclaiming the month of March as Art Month for Selbyville Youth in the Town of Selbyville. The Mayor praised the program and encouraged everyone to attend the awards presentation at the library in March. Mrs. Jackie Berger and Mrs. Dawn Lekites accepted the Proclamation on behalf of the Selbyville Community Club and thanked the Mayor and Council for their continued support.

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In the next order of business, Mayor Murray stated that according to the Charter it was once again time to set the Tax Rate. He stated that it is currently \$1.85 per \$100 of assessed value. Councilman Tingle made a motion to keep the Tax Rate at \$1.85 per \$100 of assessed value. Motion seconded by Councilman Duncan and carried by all.

Mayor Murray also welcomed a new business to downtown, Synergy Café, located at 16 W Church Street. It's owned by local businesswoman Leigh Scott and will officially open on Friday, February 7, 2020.

4. Visitors in Attendance –

There were brief questions about other businesses in downtown, specifically about 5 W Church Street, which is getting a facelift, and the vacant Georgia House building. The Georgia House location will be up for sale soon but no one knows at this point what businesses will be occupying either location. There was also a question about the town's Recreation Department. Councilman Duncan explained that the town has ball fields on Park Street that are available for use by Pop Warner, Little League and Senior League teams. He stated that a permit is required through the town.

There was a rather lengthy group discussion about the growth of the town, specifically down the Route 54 corridor, with increased traffic being a major concern. Councilman Murray stated that all growth is within the town's Comprehensive Plan and will increase the town's tax base. He stated that land for these developments has been annexed into town for many years and that growth could have come at any time. Additionally, plans for every development are presented at multiple public Planning and Zoning and Town Council meetings. He further stated that growth is going to come with or without the town's blessing, in and around the county, and that it is the goal of this Council to help Selbyville by controlling density, design and quality within the corporate limits of town.

Another concern was about drainage between Victoria Forest and the adjacent newly approved development of Schooner's Landing. Councilman Murray stated that this issue is being addressed.

Connor Lineberry, Events Manager for the Bethany-Fenwick Chamber of Commerce, talked a little about this year's Old Timer's Day. He stated that they're excited to partner with the town again this year. If it's approved by the Council, he said they'd like to have the beer garden again this year and also the pin up girl competition. There was no opposition to these requests. He also asked if anyone would like to volunteer to be a judge. Connor left several flyers advertising Old Timer's Day. Mayor Murray stated that the Chamber does a good job sponsoring the event.

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Kevin Killen, who lives at 118 W Church Street, at the intersection of Route 113, was also concerned about traffic, specifically the number of accidents that happen near his home. There are so many, some fender benders and some horrific, that he won't even let his kids play in the front yard. He'd like the town to petition DeIDOT for a traffic light in an effort to slow the north bound lane. Mr. Killen believes it is a legitimate safety concern. Chief Collins reported that they respond to approximately 85 calls a year for incidents at the intersection. He also reported that DeIDOT did a traffic study last summer and he was told there was not funding for a light. Chief Collins suggested people call their local legislatures with their concerns. The Mayor and Council understood Mr. Killen's concerns. Councilman Duncan made a motion to have the police chief and the town manager draft a letter to both DeIDOT and local legislatures requesting a traffic study at the Route 113 and Church Street intersection. Motion seconded by Councilman Tingle.

Councilman Tingle reported an unpleasant odor at his house today to Amanda Irwin from Mountaire.

Tyler Bradley, who lives on Route 54, continued the discussion about the increased traffic on Route 54. He stated that he is surrounded by ongoing development, knows he can't stop it, and that his major concern at this point is how to slow down the motorists. He lives near the Route 54 and Hudson Road intersection which is another location for terrible accidents. He stated that the developments are pushing that many more people in that direction and asked what the community can do to push DeIDOT harder to get something done about the traffic and speed limits. Jason Loar, the town's engineer, stated that typically complaining to DeIDOT results in a traffic study, at your expense, that contradicts what DeIDOT thinks needs to be done. Chief Collins reported that DeIDOT is doing a traffic study on Route 54, near Lighthouse Crossing, where the town has requested a reduction in the speed limit.

Councilman Murray confirmed that a portion of the property at the southwest corner of Hudson Road and Route 54 has been zoned Commercial but that no plans have been presented at this time.

Mr. Bill Kirsch, a loyal visitor to Town Council Meetings, thanked the Mayor and Council and the police department for their representation of the town. He stated that he believes they do an excellent job looking out for the interests of the residents. He stated that he and his wife did extensive research prior to moving and were aware of the potential growth before relocating in Selbyville.

5. Reports –

A. Police – J. Murray

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Councilman Murray stated that there were 439 calls for service, 192 tickets issued, and 33 arrests of various kinds made during the month of January. Fine money for the month of December 2019 has not yet been received from the state. Chief Collins took the opportunity to remind everyone that a portion of Polly Branch Road, in particular the open air drug market, is not within the corporate limits of the town. He specified that Branch Acres is not within the corporate limits of the town. Chief Collins also reported good news. He stated that Officers Carl Kurten and Megan Loulou helped work a big case out of Salisbury, MD that resulted in the arrests of three subjects wanted for counterfeit fraudulent checks. Additionally, Lt. Mike Bruette and Officer Eric Foskey rendered medical aide to a suicidal victim and were instrumental in saving his life. Lt. Bruette also was on scene to render CPR to a neighbor in Lighthouse Crossing last week as well. Chief Collins was proud of the efforts of his force. He also praised the department's newest officer, Tyler Bare, who did a great job reading at Story Time and Pizza With a Cop at the library. Chief Collins announced that he is most proud, however, that for the second year in a row Selbyville was named the 7th safest city in the state of Delaware.

B. Code – S. Long

See report for the month of January.

C. Water – R. Duncan

See report for the month of January. Councilman Duncan reported that the town continues to meet all state and federal testing requirements. He stated that he teaches a weekly Water Distribution class at Indian River High School and that he recently brought a group from the Workforce Development Program to tour both the water treatment plant and the wastewater treatment plant at Selbyville. Councilman Duncan thanked the staff at both facilities and praised them for explaining the treatment processes and describing their job responsibilities.

Engineer Jason Loar stated that the town has applied for a Water Facilities Improvement Planning Grant. He stated that the town has been awarded a \$30,000 grant from USDA to do a water facilities plan that will include a water model to better evaluate the town, to help with any pressure issues and to make recommendations for interconnections, possible tank locations, etc. He asked the Council's blessing to proceed with the study. Councilman Duncan added that there will be additional money coming available for water, wastewater, storm water, drainage and other projects through the proposed Clean Water Trust Fund in the state budget. He's hoping the town can also apply for some of that money. Councilman Duncan made a motion to approve the Water Facilities Improvement Planning Grant. Motion seconded by Councilman Smith and carried by all. Jason stated that the time frame on the grant is 6 to 9 months and that it also identifies and future projects and sets the town up for future state and federal funding requests.

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Jason also confirmed that it is a matching grant, \$30,000 USDA funding matched by \$10,000 from the town.

D. Public Works – R. Duncan

See report for the month of January. AJ Johnson from Republic Services was recognized for his outstanding service to the residents.

E. Recreation – R. Duncan

No activity for the month of January. Councilman Duncan did entertain a suggestion for a pickle ball court in town.

F. Sewer – F. Smith

See report for the month of January. Councilman Smith stated that the plant performed within all required permit levels for the month of January. He reported that Bettina Stern has been working with Jason on the EPA Pretreatment Report for 2019 and also on the Headworks Analysis for EPA. He also reported that the second Magnesium Hydroxide (Mag) Tank will be installed this month. Councilman Smith asked Jason to look at the generator at 68 W Church Street to see if it is electrically compatible to be moved to either the Lighthouse Crossing, Hudson Road or Polly Branch pump station as a backup.

Jason updated the Council on the Force Main project. He stated that DeIDOT, in addition to environmental site issues, have complicated things. He's hoping to have a set of plans for the Council to review by the March meeting and also report to them what DeIDOT says can and cannot be done. The recent repaving of Polly Branch Road has made it more difficult from a design perspective. In a perfect world, Jason anticipates 18 to 24 months for complete construction and operations.

G. Planning and Zoning – J. Murray

See Minutes of the January 29, 2020 meeting. Councilman Murray stated that all members were present for the meeting.

Councilman Murray stated that the first item on the Agenda was a request for final approval for Saltwater Landing located at the southeast corner of Hudson and Lighthouse Roads, Tax Map 5-33-17.00 Parcel 182.00. He stated that it is a Residential Planned Community (RPC) for 99 single family homes and that all agency approvals have been received, with the exception of the full entrance plan approval from DeIDOT. They've received the LONOR approval from them and should have the actual full permit approval within 30 – 45 days. Councilman Murray stated

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the developer's engineer has addressed all comments from the town's reviewing engineer Duffield & Associates. Councilman Murray stated that it was the Planning and Zoning Commission's recommendation that the Mayor and Council approve the request. It is noted in the Minutes that Councilman Jay Murray abstained from the Planning and Zoning Committee's vote. Tim Metzner from Davis, Bowen and Friedel, the developer's engineering firm, presented an overview of the plan. He stated that the development will have a single access entrance off of Hudson Road. Mr. Metzner stated that Ryan Homes will be the builder with homes starting in the mid \$200,000's. Councilman Duncan commended the developer for his desire to attract younger buyers by offering a more affordable product. They're hoping to be ready to start building by late summer. He stated that it is the recommendation of the Planning and Zoning Commission that the Mayor and Council approve this request. Councilman Tingle made a motion to accept the request for final approval of Salt Water Landing. Motion seconded by Councilman Duncan and carried by Councilman Smith. It is noted in these Minutes that Councilman Murray abstained from this vote.

Councilman Murray stated that the second item on the Agenda was a conditional use request for a church at 48 N Main Street, Map 5-33-16.12 Parcel 35.00. The property is owned by Matthew Leimbach and is zoned Historic Business. Pastor Rob LoRusso stated that he has been operating services out of his home for several years and that he needed a larger location. His church is incorporated and has a Board of Directors. He stated that the church currently consists of a couple dozen members and that he has services on Wednesday nights from 7:00 to 8:30 and on Sunday mornings from 10:00 to 11:30. The first Sunday of each month they have a fellowship brunch following the service. He stated that there is not a kitchen in the building, just a coffee area. There are currently no plans to remodel the exterior of the building. Outside lighting was a concern but both Mr. Leimbach and Pastor LoRusso assured the Council that the parking lot was well lit. Councilman Murray stated that it was the recommendation of the Planning and Zoning Commission that the Mayor and Council approve the request for a conditional use for a church with the hours and conditions outlined. Mr. Leimbach confirmed that he understands he will have to return to the Planning and Zoning Commission if any of those conditions were changed. Councilman Duncan made a motion to approve the request for a conditional use for a church at 48 N Main Street with the following conditions: Operating Hours: Wednesday 7 to 8:30 p.m. and Sunday 10 to 11:30 a.m. only. Motion seconded by Councilman Tingle and carried by all.

Councilman Murray stated that the third item on the Agenda was a review of Department of Transportation's PLUS comments for a proposed subdivision on Polly Branch Road and the request for waivers of the Traffic Impact Study (TIS) and Traffic Operations Analysis (TOA). Developer Daniel Bunting stated that he received a letter from DelDOT stating that they did not see a need for a Traffic Impact Study (TIS) since one was just completed prior to the paving of Polly Branch Road and they have the recent data. He stated that DelDOT acknowledged the redundancy of the request for information in their comments and that it's a formality that the

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town approve the request for a waiver. Mr. Bunting continued by stating that the Traffic Operations Analysis is for a left turn from Polly Branch Road onto Main Street. DeIDOT also acknowledged in their comments that there is no room to widen the road because of new construction on that corner. Again, DeIDOT asked that the town write a letter to that effect. Councilman Murray stated that it is the recommendation of the Planning and Zoning Commission that the Mayor and Council approve this request. It is noted in the Minutes that Councilman Jay Murray abstained from the Planning and Zoning Committee's vote. Councilman Duncan made a motion to approve the request to waive the Traffic Impact Study (TIS) and the Traffic Operations Analysis (TOA) as requested and that the town will write a letter to DeIDOT to that effect. Motion seconded by Councilman Tingle and carried by Councilman Smith. It is noted in these Minutes that Councilman Murray abstained from this vote.

Councilman Murray also presented a Conditional Use request by Mountaire for a parking lot on Dukes Street, Tax Map 5-33-16.15 Parcel 89.00. The request was heard at the Planning and Zoning Commission's meeting on December 11, 2019. Amanda Irwin stated that they had just received the storm water plan and the evaluation of piping on the property and stated that they are not prepared to move forward with the request at this time. The item was tabled until further notice.

H. Industrial Park – C. Tingle

No activity for the month of January.

I. Annexation – C. Tingle

No report for the month of January.

K. Administration – S. Long

Stacey presented a donation request from the Selbyville Community Club in support of Kid's Art Month. This is the 16th year the Community Club has sponsored the event. Artwork will be on display at the library and in participating businesses throughout the month of March. Councilman Tingle made a motion to continue supporting the event with a \$500 donation this year. Motion seconded by Councilman Duncan and carried by all.

Stacey addressed the FY 2021 Budget. She stated that it has been submitted for internal review by the Mayor and Council. She stated that they are still looking at several fee increases, to include recycle fees. The town currently bills \$4.20 per month but pays Republic Services \$4.24 per month. A proposed increase to \$5.00 per month would cover Republic's increase for next year as well. Stacey also addressed the increased cost of single and double water meter pits. The

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increase would be passed along to the consumer in order to cover the town's cost. Increased building fees are also under consideration to cover the town's expenses. Councilman Duncan suggested that the town may want to consider hiring its own building inspector as a cost savings option. Councilman Tingle acknowledged that the town pays a lot to outsource building inspection services and that it also means working around their schedule. Councilman Duncan made a motion to table the FY2021 Budget for further review and consideration. Motion seconded by Councilman Tingle and carried by all.

In conclusion, Stacey addressed the annual Town Election. If anyone wishes to file for a seat, they have until 4:30 p.m. on Monday, February 10, 2020 at the Town Hall to do so. Voter Registration expires on February 10, 2020 at 4:30 p.m. as well. Candidates must be 21 years of age, a U.S. citizen and a bona fide resident of the town for at least one year prior to the date of the election. If an election is necessary, the date is March 7, 2020 from 11 a.m. until 4 p.m. at the Town Hall at 1 W Church Street. Stacey stated that the information has been properly advertised and is also available on the town's website at selbyville.delaware.gov.

5. Executive Session –

There being no further business to discuss, Councilman Smith made a motion to adjourn the Regular Session and to go into Executive Session to discuss personnel and legal matters. Motion seconded by Councilman Tingle and carried by all.

Respectfully submitted,

Sandra H. Givans
Assistant Secretary/Treasurer