

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING JUNE 22, 2020**

Mayor Murray called the Regular Meeting of the Mayor and Council for the Town of Selbyville to order at 7 o'clock p.m. Also in attendance were Councilmen Jay Murray, Frank Smith and Clarence Tingle. Councilman Richard Duncan was absent.

Mayor Murray welcomed everyone and acknowledged that it was a small group. He confirmed that the Agenda was properly posted.

1. Opening of Meeting –

A. Mayor Murray led in the Pledge of Allegiance.

B. Reading of the Certificate of Election by Town Administrator Stacey Long. Stacey announced that there were a total of 182 votes with Jay Murray receiving 85 votes, Richard Duncan receiving 75 votes and William Thompson receiving 22 votes. The election was held on March 7, 2020 but, because of COVID restrictions, this is the first time the Mayor and Council has reconvened.

C. Swearing in of Councilman Jay C. Murray by Mayor Clifton C. Murray.

D. Organization Meeting:

1.a. Motion by Councilman Clarence Tingle to rehire Deborah L. McCabe as Secretary/Treasurer. Motion seconded by Councilman Smith and carried by all.

2.a. Motion by Councilman Clarence Tingle to rehire Sandra H. Givans as Assistant Secretary/Treasurer. Motion seconded by Councilman Smith and carried by all.

E. Motion made by Councilman Murray to reappoint W. Scott Collins as the Chief of Police. Motion seconded by Councilman Smith and carried by all.

F. Presentation of the Minutes of the March 2, 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.

G. Presentation of the June 22, 2020 Bills by Mayor Murray. Councilman Smith made a motion to pay all bills as presented. Motion seconded by Councilman Tingle and carried by all.

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2. Mayor's Report –

RESOLUTION DIRECTING THE ANNEXATION COMMITTEE TO INVESTIGATE THE POSSIBILITY OF ANNEXING CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT LIMITS OF THE TOWN OF SELBYVILLE, OWNED BY RONALD H. HAMBLIN AND JOSEPHINE B. HAMBLIN, LOCATED ON US ROUTE 54 (A/K/A LIGHTHOUSE ROAD), IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 5-33 18.00 35.01, CONTAINING 3.88 ACRES, MORE OR LESS; AND TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF SELBYVILLE TO INCLUDE SAID TERRITORY IN THE R-4 RESIDENTIAL DISTRICT.

Mayor Murray read the Resolution by Title only and passed it on to Councilman Clarence Tingle, Chairman of the Annexation Committee. Councilman Tingle stated that he will schedule a meeting to review the request and prepare a report.

Mayor Murray also took the opportunity to address the COVID situation. He acknowledged that it's been a difficult time for everyone and a trying time for our economy. He stated that we are fortunate there have not been a lot of confirmed cases in our immediate area. Mayor Murray stated that the town followed proper protocol by temporarily limiting staff and closing to the public. The drive-thru window proved to be a valuable asset during this unexpected time and, to his knowledge, there were no complaints by town residents. Councilman Tingle and Councilman Murray commended the town employees and police officers who continued to work during the pandemic.

3. Visitors in Attendance –

Amanda Irwin from Mountaire thanked Chief Collins and his officers for providing additional coverage these past few weeks. She stated that they've had more than the pandemic going on and that she's grateful for their help. It's been a trying time for Mountaire as they've attempted to keep up with all the changes and to keep people safe while still trying to run product through the plant. Amanda also acknowledged that Mike Tirrell retired from Mountaire on April 1, 2020. She stated that he had planned to tell the Mayor and Council at the April meeting. Mayor Murray stated that Mr. Tirrell was easy to talk to, that he was a man of his word, and that he had a good working relationship with the town.

Ariel Jovan, also from Mountaire, revisited adding an employee parking lot on Dukes Street with 47 to 50 more spaces. Parcel 92 has been approved for a parking lot and they would like to add Parcels 89 and 90 as parking lots as well. A Conditional Use application has been submitted for this purpose since parking lots are not a Permitted Use in the Duplex Residential zoning district.

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Drainage was an issue and at the March meeting Councilman Tingle asked if they could drain from the front of the lot instead of the back. He also suggested that the town may be able to partner with Mountaire to accomplish this request. Mr. Jovan stated that draining from Dukes Street would help alleviate some of the flooding along Railroad Avenue. He stated that they hired AWB Engineering to do the design work. They incurred more expenses but he believes they've made good progress. Mr. Jovan also referenced the town's suggestion of sharing the cost. James Smith of AWB Engineering presented the updated design. The plan calls for extending the existing 24 inch pipe up to the intersection of Dukes Street and Railroad Avenue and to take a 15 inch pipe to the other side of Railroad Avenue to drain both sides of that intersection. In doing so, they'd also put in an additional catch basin. He stated that they've drastically reduced the impervious area on site and will be better able to control the run off on Lots 89 and 90. They are currently addressing comments from Davis, Bowen and Friedel. He added that they'll also be installing new curbs and sidewalks and will present the Council with a landscaping design. Mr. Smith confirmed that the Conservation District is on board. The Council agreed that this is the way the water should flow so they anticipate a good outcome. Mountaire does not have a cost estimate at this time.

4. Reports –

A. Police – J. Murray

Councilman Murray reported that during the month of May there were 408 calls for service, 112 tickets issued and 17 varying arrests. Fine money for the month of April totaled \$2,064.09. Chief Collins reported that it's been an interesting time to be a police officer. He stated that his department has been fortunate and has not had any issues. He attributed this to the good community relations that the department has built over the past 30 or 40 years of which he is very proud.

Chief Collins presented a budget item request. He stated that he would like to replace the department's In-Car Camera system. He stated that they started with In Car Cameras in approximately 1996, that the current units are in their second installation, having been in an older vehicle at one time, and that most are at least 10 years old. The current system is no longer recognized by either the Attorney General's Office or the State Police Chiefs. Chief Collins stated that there are three approved systems - Axon, Coban and Watch Guard – and that all three are currently in use in Delaware. Chief Collins stated that he does not care for Coban and that Axon is incredibly expensive. He would like to purchase the cameras from Watch Guard.

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Watch Guard has in-state installers and in-state technicians and are currently being used by the Millsboro Police Department. The system is also upgradable to body cameras should the state ever start to require them. Chief Collins stated that Watch Guard allows remote access from the Attorney General's Office and that it can link multiple systems if two or more officers happen to be on the same traffic stop. He added that In-Car cameras are required in every vehicle that has public contact. The quote from Watch Guard is \$56,885.00. It is for nine (9) units, to include all equipment, training costs and a 5 year licensing agreement per unit. Beyond that, it's \$1,000 per unit per year. Town Manager Stacey Long acknowledged that this is a Fixed Asset request and that it has been included in the current budget. Councilman Tingle made a motion to purchase the In-Car Camera system from Watch Guard for \$56,885.00. Motion seconded by Councilman Smith and carried by all. Chief Collins stated that he hopes to have the system in place by the end of summer.

Chief Collins stated that Delaware, his department included, is ahead of many states in that they already use Lexipol for their automated policies and procedures. It's a national company that offers yearly unbiased police training.

Chief Collins thanked the teachers in the Indian River School District for donating a large amount of classroom cleaning supplies to his department during COVID. They received so much that they were able to share with other departments and still have enough on hand to possibly return some to the teachers when school resumes.

In conclusion, Chief Collins stated that Ford is expected to start building the 2020 Interceptor in July. The vehicle was ordered with last year's Sussex County Revenue Sharing Grant. He expects the next vehicle will be on order before he's in possession of the 2020.

B. Code – S. Long

Stacey reported that the town's Code Enforcement Officer has not been working during the pandemic. She has, however, called several property owners who had grass violations. A full report will be available at the July meeting.

C. Water – S Long

Due to pressure concerns from residents in Lighthouse Lakes, Stacey reported that the town has increased the daily intake it receives from the interconnect with Artesian. The town was purchasing 50,000 gallons a day and it has been increased to 130,000 gallons a day to keep the pressure between 55 and 60 psi. Stacey also reported that the Selbyville Fire Company has given the town a survey of the Hudson Road property they own. In turn, the fire company requested a

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rendering of the proposed water tower to see how much property would be needed. The town did provide two renderings, one showing a water tower on a quarter acre lot and the other showing a water tower on a half acre lot. Stacey believes it will require the larger lot. Once the land is deeded over to the town, the town can move forward with the design of a 750,000 gallon elevated storage tank. She acknowledged that it will be a lengthy process.

D. Public Works –

No report at this time.

E. Recreation – S. Long

Stacey referenced a comment made at an earlier meeting about possible interest in a pickle ball court. She stated that she had talked with Councilman Duncan about an annual matching grant offered by the Division of Parks and Recreation and that he had advised her to submit the Pre-Application. After calling around to get estimates, Stacey pre-submitted for \$40,000, which she admitted was really a “guestimate” depending on design. She stated that she just received notification that the town has been invited to fill out the full application. The application is due September 15, 2020. Stacey added that it can always be withdrawn. Councilman Tingle wondered about the interest in pickle ball but he was assured it’s become a very popular sport. Coleman and Daniel Bunting commented that all of the tennis courts in Lighthouse Lakes have been converted to pickle ball courts. The Council advised Stacey to submit the application.

F. Sewer – F. Smith

See report for the month of May. Councilman Smith reported that the plant performed within all required permit parameters for the month of May. He reported that the wastewater plant has switched from Oxidation Ditch 1 to Oxidation Ditch 2. Ditch 1 will be cleaned and revamped while the plant runs off Ditch 2 indefinitely. Councilman Smith also reported that he received notice from Hans Medlarz, who is the Sussex County engineer for Ocean Outfall, concerning a major expense on the town’s force main. The county initially paid the bill but has now presented town with two options for repayment. Councilman Smith read the options but they only generated more questions. Councilman Murray advised that there is confusion between what is considered a Repair and Maintenance item and what is considered a Capital Improvement item. The Mayor and Council agreed that a workshop with Hans, the town’s engineer and also a representative from Mountaire is necessary for clarification before they can make any decisions on the matter. Stacey will arrange a time for the workshop.

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G. Planning and Zoning – J. Murray

Councilman Murray stated that the Planning and Zoning Committee met on June 17, 2020 to hear several items (see Minutes).

The first item discussed was a request for a modification to the final site plan for Atlantic Lakes regarding rear yard setbacks. Atlantic Lakes is located on Tax Map 5-33-17.00 Parcel 170.00 along Lighthouse Road. Pret Dyer, the developer for the property, stated that they are requesting a 20 foot waiver from the required rear yard setback of 30 feet. The reason for the request is that the product being built, by Ryan Homes, is larger and requires more rear yard space. He stated that it does not impact any other properties as there is an adequate buffer on the outside ring lots that protects the integrity of the adjoining properties. Councilman Murray stated that he does not think it would even be noticeable from the street view given all the buffer of green space and retention ponds. He stated that it is the recommendation of the Planning and Zoning Committee that the Mayor and Council approve this request. Councilman Tingle made a motion to modify the rear yard setbacks to 10 feet in Atlantic Lakes. Motion seconded by Councilman Smith and carried by Councilman Murray.

The second item discussed was a request to revise the landscape plan in Saltwater Landing. Saltwater Landing is located on Tax Map 5-33-17.00 Parcel 182.00 along Lighthouse Road. Daniel Bunting, the developer for the property, stated that they'd like to remove earth berms from the final approved plans and replace them with natural landscaping. He stated that the original plans called for four foot berms around the perimeter of the north and west of the property. Mr. Bunting stated that they would like to replace the berms with evergreens and other plantings that would offer a five foot privacy screen and also be more aesthetically pleasing. Councilman Smith made a motion to approve the revision to the final site plan by replacing the earth berms with evergreen landscaping in Saltwater Landing. Motion seconded by Councilman Tingle and carried by Mayor Murray. **It is noted in the Minutes that Councilman Jay Murray abstained from the vote.**

Councilman Murray stated that the Commission also discussed the possibility of rezoning two vacant lots that intersect at Cypress, Cemetery and Blueberry Farm Roads. The property includes 15 acres and is located directly behind the new Royal Farms. Tax Map 5-33-16.00 Parcel 41.00 is currently zoned R2 – Residential and Tax Map 5-33-16.00 Parcel 40.00 is currently zoned R4 – Residential. The request would be to rezone both lots to GC – General Commercial for a landscaping business. Joel Sullivan, owner of Sullivan's Landscaping, is interested in purchasing the property to put his landscaping business on one lot and a possible garden retail center of the other. The fastest option would be to apply for a Conditional Use since the Comprehensive Plan lists these two properties as Residential as the Future Land Use. Once the Comprehensive Plan is certified, the town would have to amend the Future Land Use

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Map to list these two properties as a commercial use. Timing is unknown as this point due to closures resulting from COVID. Chairman Murray stated that Mr. Sullivan has no interest in applying for a Conditional Use, for several reasons, and stated that he prefers to wait for rezoning. Chairman Murray stated that the Planning and Zoning Commission told Mr. Sullivan that they thought a landscaping business would be a good use for the property. He stated that no action is required at this time.

Councilman Murray reported that the last item the Commission discussed was a Conditional Use request for parking and storage at 32 Clendaniel Avenue. The property is located at Tax Map 5-33-16.11 Parcel 35.00 and is currently zoned R1 – Residential. The current owner, Brandon Doyle, is selling the property and has been approached by the business next door, Haines Fabrication, who would like to purchase the property to be used for parking and storage of equipment for their business. Chairman Murray stated that another neighbor has voiced concerned about noise and a decrease in the value of her property should this happen. Councilman Murray stated that the Planning and Zoning Commission tabled the item to allow the property owners time to further discuss the matter. He stated that no action is required at this time.

Stacey revisited Dukes Street parking for Mountaire discussed in the January, February and March meetings. Amanda Irwin asked that the item be tabled until the drainage issue on Dukes Street and Railroad Avenue, addressed previously in these Minutes, is resolved. She asked that it be put back on the Agenda in August.

H. Industrial Park – C. Tingle

No report at this time.

I. Annexation – C. Tingle

No report at this time.

J. Administration – S. Long

Stacey reported that Lighthouse Lakes is ready to turn over the infrastructure and roads in Phases 7 and 8. They've been inspected by the town's engineer and the town's attorney has reviewed all the documentation within the Deed of Dedication and Bill of Sale and agreed that the language is appropriate. Stacey stated that the town has already accepted Phases 1 through 6. Councilman Tingle made a motion to accept the roads and infrastructure in Phases 7 and 8 of Lighthouse Lakes. Motion seconded by Councilman Smith and carried by Mayor Murray. **It is noted in the Minutes that Councilman Jay Murray abstained from the vote.**

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Stacey updated the Council on plans for Old Timer's Day. Originally rescheduled for August 8, 2020 because of COVID restrictions in June, she reported that she has just been informed by the Delaware Hospice Center that their car show is also on August 8, 2020. Unfortunately, it seems to be an annual, unadvertised event. After much discussion, the Mayor and Council decided to cancel Old Timer's Day this year. Everyone will look forward to the event resuming in June of 2021. Chief Collins announced that June 2021 will also be the 90th anniversary of the Selbyville Police Department which will coincide nicely with Old Timer's Day.

In conclusion, Stacey updated the Council on the Comprehensive Land Use Plan Update. She reviewed that the Planning and Zoning Commission and the Mayor and Council held a joint meeting in March to address the State's comments. The town returned their responses to the state and then COVID hit and everything closed. Stacey is hoping that it has been reviewed, perhaps from employees teleworking during the past few months. She stated that she's currently waiting for the state to certify it. From there it will go to the Governor for certification and, once the town gets official notification that it has been certified by the Governor, the Mayor and Council can officially adopt it. Stacey acknowledged that she has no idea whether to expect it to happen in three months or in six months at this point.

5. Executive Session –

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

Respectfully submitted,

Sandra H. Givans
Assistant Secretary/Treasurer