

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING JANUARY 4, 2021**

1. Public Hearing – Resolution for re-zoning and Ordinance Amending Zoning Map and Zoning Ordinance

The Public Hearing was properly advertised in the Coastal Point.

Mayor Murray opened the Public Hearing at 7:00 p.m. at the Selbyville Town Hall. Mayor Murray stated the Public Hearing is in reference to a resolution proposing consideration of the rezoning of real property identified as Sussex County tax map and parcel number 5-33, 16.16, 102.00 from HR Historic Residential to HB Historic Business: and the rezoning of real property identified as Sussex County tax map and parcel number 5-33, 16.12, 35.01 from R-2 Residential to HB Historic Business.

Mr. Alan Halle, President of Stanley Halle Communities, introduced himself to the Mayor and Council. He owns the property which is currently zoned HR Residential and is located in a good spot for a residential office building. It is at the three-way stop on South Main Street. He presented drawings of the proposed office building which would look like one of their single family homes. It is going to be a multi-function office. The first floor will be all showroom. The upstairs will contain five offices which will house AGH Real Estate that is just coming into the area as well as their custom home division as their developer business. It is not a retail business. He proposed a future out building which would be a pole barn to match the house. There would be a one way drive coming in and going around the facility. Parking would be in the rear of the building. There will not be a garage on the house. The front will have windows which will house the showroom part of the facility.

Councilman Smith asked if they would be storing any construction equipment in the out building. Mr. Halle stated they would be putting a bobcat in the out building when not in use. No construction equipment will be on the property. There will be landscaping along the rear of the building. The property will drain into the retention pond located at the rear of the property. Councilman Duncan stated that Barklay's Homeowner's Association is responsible for that pond. Mr. Halle doesn't think it will be a problem but he would address it if needed.

Mayor Murray asked if anyone had any comments for or against this project. Mr. Halle was asked when he plans on breaking ground and he stated as soon as it is approved to proceed.

Ms. Alice Shannon, a resident in that area, stated she feels it is a detriment to the surrounding area by putting a commercial business in a residential district. Mr. Halle asked if there was something he could do to alleviate her concern. He assured her there would not be excessive traffic coming and going all hours of the day.

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Ms. Tammy Cerasaro, a resident located next to this property, stated she does not want this project adjacent to her property. She feels she will have a lot of traffic going in and out. She explained she purchased her home two years ago for peace in the neighborhood and if she had known this was going to happen she would have looked elsewhere.

After much discussion, Mayor Murray asked if there were any more comments on this project. Since there wasn't any further comments Mayor Murray stated we would move on to the other participant in reference to the second property mentioned in this resolution.

Mr. Matt Leimbach introduced himself as the owner of the carpet store located at 50 N. Main St. His inquiry is in reference to the vacant property behind the carpet store. He is asking to postpone the rezoning of the Residential lot with the intention of coming back later this year to get in rezoned from R2 Residential to HB Historic Business. He plans to put a pole building house, built to Commercial standards with the intention of getting the Historic Business zoning. It's just faster for him to put a residential house on there for now. Councilman Tingle informed Mr. Leimbach that there has been a couple of complaints about what he has there presently. He was supposed to put a fence down the property line which hasn't happened. Several pictures were presented to Mr. Leimbach of what his property looks like in the back. Councilman Tingle stated everyone thought it was a carpet store but the doors are locked. Mr. Leimbach stated he has not opened due to the COVID pandemic.

There being no further comments pertaining to the above mentioned properties, Mayor Murray closed the Public Hearing at 7:30 o'clock p.m. He thanked Mr. Halle for his presentation.

Mayor Murray called the Regular Meeting of the Mayor and Council of the Town of Selbyville to order at 7:30 o'clock p.m. Also in attendance were Councilmen Richard Duncan, Frank Smith, Clarence Tingle and Jay Murray.

2. Opening of the Regular meeting –

- A. Mayor Murray opened the meeting by welcoming everyone.
- B. Mayor Murray led the audience in the Pledge of Allegiance.
- C. Presentation of the Minutes of the December 7, 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.
- D. Presentation of the December 31, 2020 bills by Mayor Murray. After review by the Council, Councilman Smith made a motion to pay all bills as presented. Motion seconded by Councilman Tingle and carried by all.

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3. Mayor's Report & Comments:

Mayor Murray stated the COVID pandemic has a lot of things at a standstill right now. He stated the town looks good and all departments are doing well.

4. Visitors in Attendance:

Mr. Jerry Kisamore, a resident of Lighthouse Crossing, stated he had dropped off some pictures for the Mayor and Council to review. He moved in last November and spoke to the HOA committee about concerns he has in reference to drainage on his property. Code Enforcement visited him about his downspout infringing on his neighbors property. The neighbor behind him is infringing on his property because the fence the neighbor placed is in the swale that is supposed to be running between all the lots across the back and on the corner of his lot is a storm drain. The neighbor has directed all of the water throughout his back yard unto Mr. Kisamore's property. Mr. Kisamore cut a ditch through there which is approximately a foot deep and a foot wide to keep the water out of his yard. He has talked to several people from different departments and they have informed him that they understand his problem but they do not have the authority to do anything to correct this situation. Mr. Halle stated his company put in a concrete tack and put ground on the bottom of it to absorb the water. Mr. Kisamore stated he is just at wits end with this situation. After much discussion Councilman Murray stated he would talk to Bill Wallace about this situation to see what can be done to correct it.

Ms. Diane Schmidt, representing the Community Club, stated the Community Club just wanted to thank the Mayor and Council for their generous donation for their art project.

Mr. Zach Evans of Mountaire, Community Relations Manager, just wanted to thank the Mayor and Council for their support when they were working out their details for the Thanksgiving Meals for thousands which went off without a hitch. COVID has really presented a challenge of getting volunteers gathered to assist with these endeavors along with the Christmas meals which included 3,000 meals. They are very proud of their accomplishments. They will have another one coming up at Easter and hopefully it will be as successful. They continue to support the Indian River School District by building a new playground at the John M. Clayton School. The Mayor and Council thanked him for their continuation to help the community.

Mr. Jay Griffith, also from Mountaire, addressed a couple of trailer issues which has been resolved. They are continuing to keep an eye on the parking around the plant.

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5. Reports

A. Police Report – J. Murray

Councilman Murray reported there were 295 calls for service, 162 tickets, 14 arrests and the fine money collected for the month of November has not been received yet.

Chief Collins reported the department has had their first visit from the Accreditation Committee and has passed their first inspection with quite a few more to go but at least the first half is finished. They received news today that our Use of Force for installation policies have been approved. The only issue coming forward will be the new requirements that will be passed out by legislation. Chief Collins asked Stacey to include in the budget items needed for the accreditation approval.

Chief Collins was questioned about the speed limit on Lighthouse Road approaching the Lighthouse Crossing and Lighthouse Lakes developments. He responded by saying that is DelDOT's responsibility since it is a state road.

B. Code Enforcement – S. Long

See report for the month of December.

C. Water Report – R. Duncan

See report for the month of December. The water is tested daily. We continue to monitor the TTHM issue on South Main St. and East 54. We haven't received any test results recently from the State. Councilman Duncan stated the town has asked Artesian to test their samples with us to see how we compare and we haven't heard anything from them. The water plant is running very well. There are some maintenance needs in the water plant. The windows are getting old and leaking. Kevin got a proposal from Window World in the amount of \$6,723.00 for replacing all the windows in the Public Works area and the water plant. Five windows are needed in the Public Works area and seven for the water plant. Councilman Duncan made a motion to replace the windows in the amount of \$6,723.00. The motion was seconded by Councilman Smith and carried by all.

Councilman Duncan re-introduced the Artesian agreement for an interconnect on Route 113. He feels it is a great opportunity to interconnect for a lot of redundancy in the future. We would only be giving up two pieces of property in our innergrowth area which would probably never be developed. Artesian is going to run a 10" to 12" line down Route 113 from Frankford and would like to interconnect with us for the future. Artesian will pay for all construction. It is a closed valve connection. Councilman Duncan made a motion to allow Artesian to do an interconnect at their cost. The motion was seconded by Councilman Smith and carried by all.

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In conclusion of the water report, Councilman Duncan met with the State and the SRF Funding and they would like to invite the town for an application for the water tower. They do have some grant money available depending on how the project is introduced to them. We may be able to get funding from USDA also.

D. Public Works – R. Duncan

Councilman Duncan reported the department has put up and taken down the Christmas lights. They've been busy cleaning storm drains, repairing water meters and vehicle maintenance.

E. Recreation – R. Duncan

Nothing to report for the month of December.

F. Sewer Report – F. smith

See report the month of December. Councilman Smith reported that the plant performed within the required permit parameters for the month. He read a letter from the State of Delaware from DNREC in reference to the Compliance Evaluation and Inspection which was performed on September 25, 2020. (See attached) Everything at the plant was in compliance.

Councilman Duncan stated a letter had been sent to all the homeowners in the Barklay Estates development about the grease buildup and he feels maybe that should be done for all the users on that line.

G. Planning & Zoning – J. Murray

No report for the month of December.

H. Industrial Park Report – C. Tingle

No report the month of December.

I. Annexation Report – C. Tingle

No report for the month of December.

J. Administration Report – C. Tingle

No report for the month of December.

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K. Administration Report – S. Long

Town Administrator, Stacey Long reported we have a donation request from the Friends of the Selbyville Library. She read a letter to that effect. After much discussion Councilman Duncan made a motion to donate \$300.00 for a Lifetime Membership to the Friends of the Selbyville Library as we have done in the past. The motion was seconded by Councilman Murray and carried by all.

Stacey reported she has presented the Mayor and Council with a draft budget for 2022 for their review. It covers February 2021 through January 2022. She has met with the different department heads for their input on what is needed in each department. She asked the Mayor and Council to review and if they have any questions please notify her before the next Council meeting to make a formal presentation which will be held on February 4, 2021.

In conclusion, Stacey stated that since the Public Hearing has been closed we need a motion on the rezoning. Councilman Tingle made a motion to accept the withdrawal request from Matt Leimbach for rezoning. The motion was seconded by Councilman Duncan and carried by all.

Councilman Tingle stated that even though there has been a couple of objections to the rezoning request from Alan Halle he feels it will fit well into the community. We're trying not to discourage business from coming into town. Councilman Murray feels Mr. Halle would be a very good neighbor to anyone in that neighborhood. Councilman Tingle made a motion to accept the zoning change from HR Residential to HB Historic Business. The motion was seconded by Councilman Smith and carried by all.

6. Executive Session

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

Mayor Murray adjourned the regular session to go into executive session to discuss legal matters and thanked everyone for attending.

Respectfully submitted,

Deborah L. McCabe
Secretary/Treasurer

EXECUTIVE SESSION