

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING MARCH 1, 2021**

1. Public Hearing –

**AMENDMENT TO THE ZONING ORDINANCE OF THE TOWN OF
SELBYVILLE, SUSSEX COUNTY, DELAWARE, CHAPTER 200, AND THE
ZONING MAP OF THE TOWN OF SELBYVILLE, AS AMENDED, TO REZONE
REAL PROPERTY IDENTIFIED AS SUSSEX COUNTY TAX MAP AND
PARCEL NUMBER 5-33-17.00-182.00 FROM R-4 RESIDENTIAL TO GC
GENERAL COMMERCIAL.**

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 turned the Public Hearing over to the Town Administrator, Stacey Long. Stacey read the resolution in its entirety for the record. (See attached)

Stacey asked if the applicant would like come forward to the podium to explain his request. Mr. Keith Coffin, owner of the property, came forward and introduced himself to the audience and the Mayor and Council. He was under the impression when he purchased the property that it was zoned Commercial since there was an airport and a garage there previously. He thought the most suitable use for this property because of the growth of the area to have Route 54 and at an intersection was to be commercial property. He explained after more research he found Lighthouse Lakes has 350 to 400 homes, behind this property is another 100 homes and to the left is approximately another 200 homes. Across from Lynch Road there is about another 700 homes being proposed and in addition close to Lighthouse Lakes he has heard there's 1000 to 1200 more homes being proposed. If you add them all up there will be about 2300 – 2400 homes in the area. He questions, if you have that many homes in one area where are those people going to go for commercial services? He expressed he absolutely wants to be a good neighbor. Councilman Tingle asked how many acres are on this property and how deep it is. Mr. Coffin stated it is ten acres, 800' long and 500' deep. Mr. Coffin stated he had been approached from a local bank and he told them he had to wait for approval from the town before he could proceed with anything. Councilman Tingle asked Mr. Coffin if he has any plans to put anything on the property at this time. He responded by saying he does not have any plans at the present time. Councilman Murray asked if he was planning on keeping it as one parcel or subdividing it. Mr. Coffin said he was thinking one parcel unless someone comes along and wants one parcel of their own. Councilman Murray asked Mr. Coffin what he was going to do with the house in the middle of the property. Mr. Coffin stated he didn't feel he needed it unless he could possibly get an entrance from DelDot. Rumor has it, there could be a roundabout because of so many entrances in that area right now.

Stacey read correspondence that was received before this public hearing. She read a letter from June Cagiwa, a resident in the Lighthouse Lakes development in its entirety. (See attached)

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Stacey read a second letter from the Lighthouse Lakes Homeowners Association along with 201 signatures that accompanied the letter. (See attached)

Those were the only two letters of correspondence that was received regarding this rezoning.

Stacey reported that at this time the floor will be open to the property owners who received a letter from the town which are located within 100' of the subject property. She stated when she calls your name and if you wish to speak please come to the podium, state your name and address. Everyone will be allowed two minutes to speak. The first one on the list was anyone on the phone or in person from Selbyville Towne Village. No response. Second one was June Cagiwa. Ms. Cagiwa was on the phone and she feels she has very thoroughly expressed her concerns in the letter she sent to the Town. She believes she heard from Mr. Coffin about a Wawa which is supported by the Town and feels that it is the kind of business they would not want there. She also has concerns about the minimum buffer requirement for privacy, security and soundproofing purposes. Next, Kaitlyn Reesy was called upon. No response. Deborah Roop was called upon. No response. Marvin & Katherine Councilman was called upon. No response. Next, David & Sandra Crothers. Ms. Crothers, a resident of Lighthouse Lakes, spoke and stated she really has nothing to add except that she strongly agrees with what was stated in the letter from the Homeowners Association. They do not want a Royal Farms or a Wawa. A bank, a donut shop, a bagel shop or something like that would be fine. She doesn't feel a twenty-four hour business operation that would cause a lot of congestion and unnecessary traffic would be welcome to the community. Next on the list was Garrett Pfiel and Samantha Lane. No response. Then Robert & Wanda Powers was called upon. Ms. Powers, a resident of Lighthouse Lakes, agreed with Ms. Cagiwa's letter and on the phone. Her concerns are rodents and trash that would accumulate on her property from a Wawa or a convenience store of any sort. She stated that intersection will not substantiate all the traffic that will be coming in and out of there. She's just asking the Mayor and Council to please consider the residents in that area. To continue with the list of names, Stacey read the names of James & Geraldine DelMont. There was no response. Stacey asked if there was a representative from Bunting Macks LLC, a representative from A & B Daisey Farms LLC, a representative from JLJM LLC, Margaret Dennis and David Efird with no response. Next on the list was a representative from the Lighthouse Lakes HOA that would like to make comments additionally on the letter that was received. The president of the HOA, Alice Darlene Ward, reiterated the feelings of the prior speakers during this public hearing. They would prefer not having anything except for new homes on the specified property in question but they would welcome a small business. Ms. Cheryl Humphries, a resident of Lighthouse Lakes, stated Mr. Coffin did meet with the HOA and during that meeting the members explained their desires and also what they do not desire. Ms. Humphries reiterated what the other residents have said. Stacey stated that if anyone on the phone wants to speak in favor of or opposition of the proposed rezoning to please speak now. No response. The meeting was turned over to the audience in attendance. No additional response.

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Councilman Murray spoke and stated that Mr. Coffin is correct in saying there could be deed restrictions placed upon the property. Mr. Coffin stated that if he could put something in the deed stating that the property will not have a 24 hour convenience store he would be willing to do that. He just wanted to state that for the record.

Mayor Murray stated that no project has been approved at this time for the property in question. It would have to go before Planning & Zoning and those meetings are open to the public. There's certain things that have to happen before anything is approved. Mayor Murray thanked everyone for attending and appreciated their input.

Being no further comments, Councilman Tingle made a motion to close the Public Hearing and to defer voting on it at a later date and to put Mr. Coffin's request for a zoning change on hold for now. The motion was seconded by Councilman Smith and carried by all.

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 February 1, 2021 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 February 28, 2021 bills by Mayor Murray. After review by the Council, Councilman Smith made a motion to pay all bills as presented. Motion seconded by Councilman Duncan and carried by all.

3. Mayor's Report & Comments:

Mayor Murray mentioned the Mosquito Control program that we always participate in. Councilman Duncan made a motion to continue with the DNREC Mosquito Control program as we have done in the past for another year. The motion was seconded by Councilman Tingle and carried by all.

4. Visitors in Attendance:

Mr. Jay Griffith, of Mountaire, reported they have been doing a little work out in front of the

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plant by trying to improve the entrance. They have been working with the Maryland & Delaware Railroad Company in terms of collaborating about the railroad crossing when the engine is coming by.

5. Reports

A. Police Report – J. Murray

Councilman Murray reported there were 255 calls for service, 116 tickets, 12 arrests and the fine money collected for the month of January has not been received yet.

Chief Collins reported the in-car cameras should be installed at the end of this month or the beginning of next month. The company will be coming the week before Memorial Day to input the server program for the body cameras. Chief Collins also informed everyone that on March 5th will be the 90th Anniversary of the Selbyville Police Department. 1931 was when the town created a police department by charter. Doing some research the town had a couple of town constables that were responsible for the business district and the railroad yards. He doesn't have a lot of information on the first police chief but his name was Mr. James Johnson.

B. Code Enforcement – S. Long

See report for the month of February

C. Water Report – R. Duncan

See report for the month of February. Councilman Duncan reported all is running smoothly in the water department. We are still waiting for the quarterly report from the state in reference to the TTHM levels. The notice of intent for the water tower and the backwash project has been submitted to the state for funding.

D. Public Works – R. Duncan

Councilman Duncan reported the department has been doing daily maintenance, repairing water meters, reading meters and cleaning storm drains.

E. Recreation – R. Duncan

Councilman Duncan reported he watched his first pickle ball tournament. Hopefully when the weather breaks and we receive our grant from the State we can get started on a project for a pickle ball court.

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F. Sewer Report – F. Smith

See report the month of February. Councilman Smith reported that the plant performed within the required permit parameters for the month. Bettina has submitted our annual Bio-solids report for EPA. Councilman Smith reported to the town's engineer, Jason Loar that the plant is still getting a lot of influent of water at the Lighthouse Lakes pump station. He questioned how they were getting water there. Jason stated they would look into it.

G. Planning & Zoning – J. Murray

Councilman Murray reported there was a meeting held on February 22, 2021 and the first item on the agenda was a request for the construction of a 3,250 ft. building at 45 W. Railroad Avenue owned by Haines Fabrication. It meets all of the necessary setbacks. He had to have approval from the Planning & Zoning Commission because it is a Conditional Use property before he could apply for a building permit. It is the recommendation of the Planning & Zoning Commission that the Mayor and Council approve this request. Councilman Duncan made a motion to approve the construction of a 3,250 ft. building at 45 W. Railroad Avenue on a Conditional Use property. The motion was seconded by Councilman Smith and carried by all.

The second item on the agenda was continued discussion of the on-street Parking Ordinances for three subdivisions and decided that Stacey and the Chief would get together and try to sort through what the other townships are doing with their parking ordinances. We just want to do what is right.

H. Industrial Park Report – C. Tingle

Councilman Tingle reported that the property owner at 131 Dixon St. wants to sell his property for \$365,000. The Town has first refusal rights if interested. Councilman Tingle made a motion to allow the owner to sell the property. The motion was seconded by Councilman Murray and carried by all.

I. Annexation Report – C. Tingle

No report for the month of February.

J. Administration Report – C. Tingle

Councilman Tingle referred the Administration report to Stacey.

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K. Administration Report – S. Long

Town Administrator, Stacey Long reported the FY 2021 Budget has been submitted to the Mayor and Council for their review. A couple of highlights that were mentioned last month was trash and recycle rate increases. Our trash company has increased our fees for trash and recycle. The increase for trash would be \$.53 monthly and \$2.12 quarterly. The recycle increase would be \$.15 monthly and \$.45 quarterly. The water and sewer impact fees were discussed last month also. The current fees are \$2,500 for water and \$2,500 for sewer. Councilman Smith reported he had Stacey review the fees from different towns and we are not at the top nor at the bottom of that list. Stacey stated the current proposal in the budget is \$3,250 for each. The meter fees also need to increase. Usually we have an increase yearly from our supplier. She also mentioned the building permit and inspection fees need to increase. She would like to investigate those further before a decision is made on them.

Councilman Murray suggested giving the opportunity to the developers to purchase the impact fees at the current price within a thirty day time frame.

In conclusion, Stacey reported the total projected income for FY 2022 Budget dated February 1, 2021 through January 31, 2022 is \$5,073,665 and the total projected expenses is \$5,073,665. Councilman Duncan made a motion to accept the 2021-2022 budget as presented. The motion was seconded by Councilman Tingle and carried by all.

Councilman Duncan made a motion to allow the active developers 30 days to pay the current impact fees at \$2,500 for water and \$2,500 for sewer. The motion was seconded by Councilman Tingle and carried by all.

Stacey reported hydrant flushing will take place the week of March 29, 2021. She reminded everyone that if they get discolored water to run their water for five to ten minutes and it should clear up.

In conclusion, Stacey reminded everyone the Town Election will take place at the Selbyville Town Hall on Saturday, March 6, 2021 from 11 a.m. until 4 p.m. The Mayor's seat was uncontested and his term will be 2021-2023. Two Council seats are up for re-election. Those vying for the positions are: Carol Cary, G. Frank Smith III, Clarence Tingle and William Thompson.

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 and personnel matters. Motion seconded by Councilman Tingle and carried by all.

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

Respectfully submitted,

Deborah L. McCabe
Secretary/Treasurer

EXECUTIVE SESSION