

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING JUNE 21, 2021**

Mayor Murray welcomed everyone and 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, Richard Duncan, Frank Smith and Clarence Tingle.

The meeting was properly posted.

1. Opening of Meeting –

A. Mayor Murray led in the Pledge of Allegiance.

B. Presentation of the Minutes of the May 3, 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.

C. Presentation of the May 31, 2021 bills by Mayor Murray. Councilman Smith made a motion to pay all bills as presented. Motion seconded by Councilman Tingle and carried by all.

2. Mayor's Report –

**A. 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 JAMES C. DOWNEY, GAIL E. DOWNEY, AND PEGGY L. BAKER, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 5-33 10.00 89.00, CONTAINING 30.75 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. He then passed it to Councilman Tingle, Chairman of the Annexation Committee. Councilman Smith and Councilman Murray are also appointed members of the Annexation Committee. Councilman Tingle stated that he will schedule a meeting and report on their recommendation at the July meeting.

Mayor Murray thanked the Bethany-Fenwick Chamber of Commerce for hosting another successful Old Timer's Day on Saturday, June 19, 2021. It was a nice event and they had quite a few people turn out for it. He also thanked the town employees who helped with the event.

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3. Visitors in Attendance –

Elizabeth Bruette, a resident in Lighthouse Crossing and also a Delaware State Trooper, voiced concern about police staffing issues. Referencing the recent death of Delmar Police Officer Keith Heacock, she vigorously urged the Council to increase the town's police force. Police Commissioner Jay Murray stated that he and Chief Collins have had numerous discussions about the challenge of finding qualified candidates. He added that the national climate has changed and that smaller municipalities, in particular, are facing the same hiring problems. Chief Collins stated that he is actively trying to recruit for his department. Ideally he'd like to hire a certified officer, but the reality is that it takes up to a year to put a recruit through the Academy. Police Commissioner Jay Murray thanked Mrs. Bruette for her comments and pledged to keep moving forward. Mayor Murray added that the Council has always been very supportive of the police department.

4. Reports –

A. Police – J. Murray

Councilman Murray stated that there were 232 calls for service, 144 tickets issued, and 13 arrests of various kinds during the month of May. The town received \$1,502.68 in fine revenue from the state. Chief Collins reported that one officer is still out for work related issues but that she's expected back within two weeks. He's been utilizing part-time officers in her absence. He also reported that the body cameras and in-car cameras are both operational. In reference to the previous discussion, Chief Collins acknowledged that one of the issues is Selbyville's fiscal year. He stated that it falls in the middle of everyone else's budget year and that surrounding towns make adjustments accordingly, referencing a county wide pay scale and benefits comparison survey the Council had previously reviewed.

B. Code – S. Long

See report for the month of May.

C. Water – R. Duncan

See report for the month of May. Councilman Duncan reported that the town continues to meet all state and federal testing requirements. The town also continues to monitor TTHM's in the South Main Street and Lighthouse Lakes areas. Levels are continuing to decrease and he's hoping to be back in compliance by next quarter. In the meantime, extra flushing continues. Councilman Duncan stated that the town has applied to the State Revolving Fund (SRF) for help to fund a water tower on the east side of town and also to upgrade a Back Wash Recovery

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System. He stated that tower will help alleviate low pressure along the Route 54 corridor and that the Back Wash Recovery System polishes the water and settles the iron. He stated that there are loans available through SRF, two percent for twenty years, for each project. Councilman Duncan reported that he was able to get a little over \$600,000 in a grant for the Back Wash Recovery System but that he could not secure grant money for the water tower project. It's Councilman Duncan's hope that some of the developers will share a portion of the cost for the 3.5 million dollar tower. In a separate issue, Councilman Duncan stated that in 2010 the town adopted a Cross-Connection Control Plan. In February 2021, he reported that the state amended its regulation and added additional requirements. Councilman Duncan presented an updated Cross-Connection Control Plan, prepared by Hydro Corp, for the Council's review. He added that Hydro Corp also wrote the town's original plan and that by having them administer the plan, it takes the burden off of town staff to monitor data, send out notices, etc.

In reference to the Water Tower and Back Wash Recovery System projects, town engineer Jason Loar stated that part of the SRF application process is that a majority of the Council has to accept moving forward with the loan application. He clarified that by doing so, the town is not accepting the money, the Council is simply confirming that they have no objection to moving forward with the loan process. Jason added that as they move forward with the project, there may be the possibility of securing USDA funds as well. Councilman Duncan stated that the town has partnered with USDA on other projects in the past. Jason confirmed that the town would most likely have to go to Referendum in order to borrow the money. Councilman Duncan stressed that the tower project is a priority. The town currently purchases approximately 120,000 gallons of water a day from Artesian in order to provide water pressure to the eastern corridor. **It is noted in the Minutes that the Council is in agreement and has no objection to moving forward with the loan application process.**

Continuing with the Water Report, Councilman Duncan reported that new windows have been installed at the water plant. Town Administrator Stacey Long also reported that the computer in the water plant is out of date and that the SCADA software is no longer being supported. She reported a need for two new computers, one for SCADA monitoring and the other for administrative needs, and the need for a massive fire wall for the SCADA system. Councilman Duncan stated that the SCADA system is the "heart" of the plant. Additionally, Stacey explained the need to air condition the water plant office. The treatment plant door stays open in the summer to cool the office but the moisture and humidity are damaging the electronics. In order to protect the equipment, the air in the office needs to be regulated. Stacey presented the following quotes - Atlantic Refrigeration for \$8,500 and Blades HVAC for \$8,250. Councilman Duncan made a motion to accept the quote from Blades for \$8,250 to install two ductless air conditioning units in the water plant office. Motion seconded by Councilman Tingle and carried by all. Stacey will present quotes for new computers at the July meeting.

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**D. Public Works – R. Duncan**

See report for the month of May. Councilman Duncan stated the department has been busy with several storm water management and pipe replacement projects around town, as well as routine maintenance.

**E. Recreation – R. Duncan**

Councilman Duncan reported that he's anticipating a meeting with a contractor to design the layout of the pickleball courts.

**F. Sewer – F. Smith**

See report for the month of May. Councilman Smith reported that the plant performed within all required permit levels for the month. Councilman Smith stated that for three months he has advertised for a Level II operator, without success. He has decided to lower his qualifications and to hire someone that the town will train. Councilman Duncan stated that it's difficult for municipalities to compete against the ever-expanding county systems who are absorbing a lot of the trained water and wastewater operators.

**G. Planning and Zoning – J. Murray**

Councilman Jay Murray stated that the committee met several times during the past month.

The first meeting was held on May 19, 2021. Councilman Murray stated that the first item on the Agenda was a request from Ryan Homes to add decorative trellises over the garage doors and to request a modification to the requirement that front porches extend 4 feet beyond garages within the Atlantic Lakes community. A two-story home has been added to their lineup and, based on the elevation of the model, it would be difficult to modify it to meet the current requirement that the porch extend 4 feet beyond the garage. Councilman Murray stated that the committee discussed custom modifications to other models in the development, realizing they are not feasible on this particular plan. Councilman Duncan added that similar requests have been approved for other developments. The modification has been reviewed by the town's engineer. Councilman Murray stated that it is the recommendation of the Planning and Zoning Committee that the Mayor and Council accept this request. Councilman Duncan made a motion to approve the addition of decorative trellises over the garage doors and to approve the request for a modification to the requirement that front porches extend 4 feet beyond garages within the Atlantic Lakes community. Motion seconded by Councilman Tingle and carried by all.

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Councilman Duncan stated that the second item on the Agenda was a review of the proposed architectural plans submitted by DR Horton in regard to the Coastal Villages development. Daniel Bunting was in attendance representing Bunting-Macks, the developer on the project. Luke Vandenberg and Jay Heilman from DR Horton provided product renderings for the Mayor and Council to review. They stated that some of the models do meet the architectural guidelines but that some do not. Daniel added that they have eliminated any 16-foot garage extensions and that they have modified elevations to extend front porches when they could and, where it proved too architecturally difficult, they have added garage trellises. Mr. Vandenberg stated that DR Horton is based in Texas and that Coastal Villages will be their flagship project in this area. Councilman Duncan stated that the town received a letter from Davis, Bowen and Friedel stating they have no objection to the request for a waiver. Councilman Duncan stated that it is the Planning and Zoning's recommendation that the Mayor and Council approve Mr. Bunting's request for a waiver, on certain models, which requires garages to be set back a minimum of 4-feet from any front-facing house projections, and he made the motion as presented. Motion seconded by Councilman Tingle and carried by all. **It is noted in the Minutes that Councilman Murray abstained from the vote.**

Councilman Murray stated that the last item on the Agenda was consideration of preliminary site plan approval for Selbyville Public Library improvements. The library is located on W McCabe Street, Tax Map 5-33-16.16 Parcels 51.00 and 52.00. He stated that the existing addition will be demolished, keeping the historic home intact, and constructing a new 14,000 square foot building on the vacant lot behind the current library. The plans include 20 additional parking spaces. Off-street parking is available and they are requesting a waiver for the total number of parking spaces from 40 to 20. Additionally, they requested a waiver to allow the proposed building to encroach into the established building setbacks. Councilman Murray stated that the town's engineer has approved the preliminary site plan. Councilman Murray stated that the new building is going to be a nice addition to the town and that it is the recommendation of the Planning and Zoning Committee that the Mayor and Council approve the request. Councilman Duncan made a motion to accept the preliminary site plan approval for the Selbyville Public Library improvements and to grant the request to waive off-street parking and building setback requirements. Motion seconded by Councilman Murray and carried by all.

Councilman Murray stated that the committee met again on June 17, 2021. The first item on the Agenda was a request for consideration of combining Lots 13, 14 and 15 in the Industrial Park. The property is currently owned by Schanz Land Investment Company, known locally as Alutech United. Councilman Murray stated that business is growing and that the owner would like to add an additional building as close to the existing one as possible. To eliminate setback issues, he is requesting that the lots be combined into one parcel. He stated that it is the recommendation of the Planning and Zoning Committee that the Mayor and Council approve

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this request. Councilman Duncan made a motion to approve the request to eliminate lot lines and to combine Lots 13, 14 and 15 in the Industrial Park into one parcel. Motion seconded by Councilman Tingle and carried by all.

Councilman Murray stated that the second item on the Agenda was a Conditional Use Request for Boss Hustle Boutique located in Unit 204 at 5 W Church Street. The boutique currently sells clothing and jewelry and the owner would like to add a non-surgical beauty enhancement service. The procedure, called Laser Lipo, uses ultrasonic sound waves to non-invasively liquefy fat to be expelled through the urinary tract. After a brief discussion, the Council decided they'd like more information on the procedure, specifically if it requires approval through Health and Social Services or any other licensing agency, before making a decision. Councilman Duncan made a motion to table the discussion. Motion seconded by Councilman Tingle and carried by all.

**H. Industrial Park – C. Tingle**

No report for the month of May.

**I. Annexation – C Tingle**

No activity for the month of May.

**J. Administration – S. Long**

Ariel Jovan, engineer for Mountaire, requested a revision to Mountaire's Parking Addition, a project previously approved by the Mayor and Council. He stated that when they were excavating the stormwater management pond on Railroad Avenue near the warehouse, they discovered a sanitary manhole. As a result, the current 8-inch sewer line will be abandoned and a new line relocated. The existing line will be pumped out and filled with concrete. He provided drawings for the Mayor and Council to review. Mr. Jovan stated that the town's engineer has reviewed the change. The cost to Mountaire is going to be approximately \$78,000 to relocate the line. Councilman Murray stated that they don't seem to have any other options. Councilman Duncan made a motion to allow Mountaire to relocate the 8-inch sanitary sewer line outside of the pond as presented and to provide proper easements. Motion seconded by Councilman Murray and carried by all. Stacey requested a copy of the updated plans.

Jay Griffith took the opportunity to express his appreciation to the Selbyville Police Department for all they do for the town and for Mountaire.

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Stacey concluded her report by presenting the Mayor and Council with a proposal from AECOM to update the town's Signage Code. She stated that the current code is old and is open to too many interpretations. She referenced the statement, "All signs permitted by Article XIV." The statement appears in every district, basically allowing any definition of a sign in every district. The proposal from AECOM is Not to Exceed \$9,200 for all time and materials. Stacey acknowledged that it's going to be a lengthy process. The Council agreed it needs updating and asked Jason Loar if DBF would be interested in working on the project. The Council asked Stacey to print the Signage Code from surrounding towns for their review. The discussion will be revisited at another meeting.

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 issues. Motion seconded by Councilman Tingle and carried by all.

Respectfully submitted,



Sandra H. Givans  
Assistant Secretary/Treasurer