

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

1. Public Hearing

Mayor Murray opened the public hearing in reference to:

**AN ORDINANCE AMENDING THE ZONING CODE OF THE TOWN OF
SELBYVILLE, CHAPTER 200, TO ADD REGULATIONS AND PROCEDURES
FOR A NEW NB NEIGHBORHOOD BUSINESS DISTRICT AND TO MAKE
OTHER TECHNICAL REFERENCES AND ADJUSTMENTS AS NECESSARY
ELSEWHERE IN THE ZONING CODE**

Councilman Murray explained it is a lighter use of Commercial uses for newer projects on properties that allow certain uses but not large commercial uses such as a Walmart or big box stores, more for banks, retail sales, restaurants, offices, etc. This district would be more for a residential area which would be beneficial to the surrounding area. The property would have to consist of at least three acres. This just adds another feature to our zoning.

Councilman Tingle commented that he agreed this is what the town is looking for but suggests not voting on it at this time to allow anyone to come in and review the ordinance for any future comments before being approved. A motion was made by Councilman Tingle to table this Zoning Ordinance amendment until the next meeting. The motion was seconded by Councilman Smith and carried by all.

Being no further comments, Mayor Murray adjourned the public hearing.

2. Opening of the Regular meeting –

- A. Mayor Murray called the Regular meeting of the Mayor and Council for the Town of Selbyville to order at 7:30 o'clock p.m. Also in attendance were Councilmen Jay Murray, Richard Duncan, Frank Smith and Clarence Tingle.
- B. Mayor Murray led in the Pledge of Allegiance.
- C. Presentation of the Minutes of the October 4, 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 October 31, 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 Tingle and carried by all.

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3. Mayor's Report & Comments:

Mayor Murray stated the town is growing and hopefully there will be some commercial development along with it.

Mayor Murray presented a resolution in reference to:

**A. RESOLUTION DIRECTING THE MAYOR TO APPOINT A HAZARD
INSPECTION COMMITTEE PURSUANT TO SECTION 68-4 OF THE
TOWN CODE**

Mayor Murray explained that the town has had complaints about dilapidated and/or potentially hazardous buildings in town and the Town Council feels it is necessary to appoint a Hazard Inspection Committee to address this situation to determine whether the buildings at issue is, in fact, a serious hazard to life and property. This committee will consist of not less than three members, at least two of whom shall be elected Council members, and that one of the Council members appointed to the Committee by the Mayor shall be designated as the Chairman of the Committee. Councilman Duncan suggested putting the Fire Chief on the Committee and the Building Inspector. Councilman Tingle made a motion to adopt this Resolution for the Mayor to appoint a Hazard Inspection Committee in due time. The motion was seconded by Councilman Duncan and carried by all.

4. Visitors in Attendance:

Ms. Donna McClellan, a resident of Lighthouse Crossing, publicly wanted to thank Stacey in assisting her with a power outage she had that was caused by Comcast running cable on her property.

Ms. Susan Kirsch, the President of the Board of Commissioners of the Selbyville Library attended the meeting to ask permission to place a 20' x 40' tent on the Library property from December 1, 2021 until November 2022 for meeting purposes. It will be heated and will seat 125 people. The Mayor and Council gave their approval and agreed it will be put to beneficial use.

Mr. Zach Evans of Mountaire reported they are preparing for their 27th Thanksgiving for Thousands and it will be held on Monday, November 22. The meals will be delivered to six different churches throughout Sussex County. They will accept volunteers and there will be a tent which will accommodate 150 volunteers. The volunteers will be asked to wear masks and to social distance themselves from others. Mayor Murray stated that it is a wonderful thing for the

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community. Mr. Evans also updated the Mayor & Council on the Phillip Showell Elementary School playground. All the equipment has been installed and it was made possible because of a \$100,000 grant from Lowe's, also the PPO raised funds and some other organizations donated as well.

The last thing on his itinerary was an update on the Pickleball court. The contractors have been out there, and he is just waiting to hear back from them. Councilman Duncan stated they hope it will be complete by next Spring.

Ms. Susan Foust, a resident on S. Main St., reported she is representing 0 Lighthouse Rd. in which there is a little bit less than ten acres that they would like to sell and there is some issues with it right now. Part of it is in town and part of it is in the County. At this time, she is inquiring about what they can do with it in the Town's perspective and how they can market the property. Approximately $\frac{3}{4}$ of an acre is in town and part of it is being farmed. Councilman Murray informed her that the first thing they need to do is to come up with a proposed use for that property. He also stated that as far as his personal opinion would be to annex the whole property into town to get the most value out of it. Ms. Foust thanked the Mayor and Council for the information provided to her.

Councilman Smith asked Mr. Jay Griffith from Mountaire how the odor control was coming along. He reported they are still working on it and he will check into the progress. Mr. Griffith stated they were supposed to get some work done on the parking lot located south of the plant. He reported there has been a problem at the Church Street pump station and he will address that later with Stacey.

5. Reports

A. Police Report – J. Murray

Councilman Murray reported there were 203 calls for service, 100 tickets, 12 arrests and the fine revenue for the month of September has not been received yet. Due to the absence of Chief Collins, Captain Wilson reported one officer is still out on medical leave and another one is out on Family Medical Leave Act. He stated they have received their used car from Delaware Fleet Management, and they are in the process of getting it on the road. Trick or Treat was last night and it was very peaceful and went well without any problems.

B. Code Enforcement – S. Long

See report for the month of October.

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C. Water Report – R. Duncan

See report for the month of October. Councilman Duncan reported we still meet all State and EPA testing requirements. All the outside extremities are continuously being flushed along with the dead ends. We continue purchasing up to 100,000 gallons of water from Artesian monthly to add water pressure for the Lighthouse Lakes development. Hydrant flushing went well with no issues. A couple of fire hydrants have been hit with automobiles and they have been replaced. Councilman Duncan also reported the wife of one of our employees passed away over the weekend and asked everyone to keep them in our thoughts and prayers.

D. Public Works – R. Duncan

The Public Works department continues doing the meter readings, repairing meters, doing locates for Miss Utility, cleaning catch basins and assisting in the water plant operations. The Christmas lights were put up today because the forklift was only available for one day which was sponsored by Iron Source of Georgetown.

4. Recreation – R. Duncan

Councilman Duncan stated they are continuing to move forward with the pickleball court and restoration of the buildings. The next grant application will go out soon for additional funding to keep expanding the Park.

F. Sewer Report – F. Smith

See report for the month of October. Councilman Smith reported that the plant performed within the required permit parameters for the month. Corrosion Control is finalizing the sandblasting and painting on Clarifier #2. The problem at the Church Street pump station was because of face masks. There were six bids for the Southeast sewer expansion project. Our engineer recommends that we go with Zack Excavating, Inc. of Smyrna in the amount of \$2,227,028.07. Jason Loar, the Towns' Engineer, stated the bids were all within \$250,000 of each other so he feels they were good bids. Zack Excavating, Inc. was the low bidder and Jason has collaborated with them in the past. He feels they would do a good job. The whole issue with the project is going to be the timing and getting the equipment that is needed. We can work on scheduling once the dotted line has been signed. Councilman Smith made a motion to accept the recommendation of our engineering firm to grant Zack Excavating, Inc.'s bid in the amount of \$2,227,028.07 to proceed with the sewer expansion project. The motion was seconded by Councilman Tingle and carried by all.

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G. Planning & Zoning – J. Murray

Councilman Murray reported there was a meeting held on October 13th. The first item on the agenda was to discuss conceptual plans for a 32-lot single family home Residential Planned Community at the S/W side of the intersection at Lynch Rd. and Lighthouse Rd. and review of requested waivers. Mr. Kevin Smith of the Kercher Group attended the meeting to represent the owner of the property. He explained the waiver request in question is to allow for the 25-foot landscape buffer to be presented as an easement, with all the same rights that go with it being an open space, establishing it as such in the Covenants and Restrictions and to make sure the planted buffer is not disturbed by the individual property owners to keep the lot at a minimum depth. It is the recommendation of the Planning & Zoning Commission for the Mayor and Council to collaborate with them and let them use the buffer as an easement or a separate open area. Councilman Murray made a motion to accept the requested waiver and to allow them to move forward with the preliminary plans to the Bennett property. Councilman Duncan seconded the motion and was carried by all.

The second item on the agenda was final plan approval for Hosier Steet Self Storage located at the corner of Baker Alley and Hosier Street. Mr. Bob Palmer, Beacon Engineering, representing this property stated that a Conditional Use was granted for self-storage units about a year ago. During his presentation he presented changes that has been made to the preliminary site plan. They have been directed to make the entrance an asphalt entrance with a crosswalk. The largest change to the plan is stormwater. They had originally proposed a dry pond but when they got their soil bores back, the assigned depth of the seasonal high-water table was too close to the ground surface so they could not meet the regulations for a dry pond. They have converted it to four bays and a submerged gravel wetland. They have storm water management approval pending a letter of no objection from the town to connect into the storm drain on Dukes Street. They also have Fire Marshal site plan approval and Sussex Conservation District approval pending a letter of no objection from the town. After much discussion it is the recommendation of the Planning & Zoning Commission for the Mayor and Council to approve the final site plans for Hosier Street Storage. Councilman Tingle made a motion to accept the final site plans for Hosier Street Storage. The motion was seconded by Councilman Duncan and carried by all.

H. Industrial Park Report – C. Tingle

No activity for the month of October

I. Annexation Report – C. Tingle

No activity for the month of October

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J. Administration Report – C. Tingle

Councilman Tingle referred the Administration report to Stacey.

K. Administration Report – S. Long

Stacey reported that Sussex County has reached out to us again to see if we are interested in the Sussex County Development and Housing Grant Program. We do this every year and we must hold a Public Hearing. The County has money to help property owners remodel, repair, paint, etc. homes that need similar repairs. The property must be owner occupied, not a rental. If interested they will come to our December meeting to explain to anyone interested in this program the procedures needed to get assistance during the public hearing. Councilman Tingle made a motion for the town to participate in this program. The motion was seconded by Councilman Duncan and carried by all.

Stacey gave an update on the Christmas Parade to be held on December 3rd at 7 p.m. The Chamber of Commerce is going to help with the registration, all the marketing and advertisement through their website. Zach is helping us majorly as well with Mountaire. Scott Smith of the Rotary is helping also. Kevin Murray and Chief Collins have been extremely helpful as well. Looking for volunteers for the staging process. There are various levels of Sponsorship on the town's website.

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