

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING APRIL 4, 2022**

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 Councilman Richard Duncan, Frank Smith and Clarence Tingle. Mayor Murray welcomed everyone and thanked them for attending.

The meeting was properly posted.

1. Opening of Meeting –

A. Mayor Murray led in the Pledge of Allegiance.

B. Reading of the Certificate of Election by Assistant Secretary/Treasurer Sandra Givans.

C. Swearing in of Councilwoman Dr. Carol R. Cary and Councilman Richard A Duncan, Sr. by Mayor Clifton 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.

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

D. Presentation of the Minutes of the March 7, 2022 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.

E. Presentation of the March 31, 2022 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 –

Mayor Murray stated that there is a lot going on in and around Selbyville but that things seem to be running smoothly. He hinted at potential projects along Route 113.

Mayor Murray also took the opportunity to welcome Dr. Carol R. Cary to the Council and invited her to speak. Dr. Cary stated that she was honored to have been elected to the Selbyville Town Council and promised to take her position very seriously. She pledged to serve with diligence and honesty and stated that she will promote a future that includes all residents. Dr. Cary also pledged to value long held traditions but to blend them with new ideas and innovations.

Mayor Murray read the following Resolution into the Minutes by title only.

- A. A RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON _____, 2022, AT 7:00 P.M., AT THE TOWN HALL, 1 W. CHURCH STREET, SELBYVILLE, SUSSEX COUNTY, DELAWARE, TO CONSIDER THE REZONING OF REAL PROPERTY OWNED BY KEITH AND SHELLEY COFFIN, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NUMBER 533-17.00-182.00, FROM R-4 RESIDENTIAL TO NB NEIGHBORHOOD BUSINESS.**

He stated that this property is located on the easterly side of the intersection of Lighthouse and Hudson Roads, in front of Saltwater Landing. Councilman Tingle made a motion to accept the Resolution as presented and to hold a Public Hearing on Wednesday, April 27, 2022, at 4 o'clock p.m. to consider the rezoning of this property. Motion seconded by Councilman Smith and carried by all.

Mayor Murray read the following Resolution into the Minutes by title only.

- B. A RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON _____, 2022, AT 7:00 P.M., AT THE TOWN HALL, 1 W. CHURCH STREET, SELBYVILLE, SUSSEX COUNTY, DELAWARE, TO CONSIDER THE REZONING OF REAL PROPERTY OWNED BY KEITH A. AND SHELLEY J. COFFIN, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NUMBER 533-17.00-156.07, FROM R-4 RESIDENTIAL TO GC GENERAL COMMERCIAL.**

He stated that this property is located on the easterly side of the intersection of Lighthouse and Lynch Roads. Councilman Tingle made a motion to accept the Resolution as presented and to hold a Public Hearing on Wednesday, April 27, 2022, at 4 o'clock p.m. to consider the rezoning of this property. Motion seconded by Councilman Smith and carried by all.

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3. Visitors in Attendance –

Mrs. Susan Kirsch, President of the Selbyville Library Board of Commissioners, announced that the social worker will be returning to the library on the second and fourth Tuesdays of each month from 1 p.m. until 4 p.m. The services the social worker offers have been a big asset to the community so they're glad to welcome her back after the pandemic. Additionally, Mrs. Kirsch announced that the library is installing outside lockers so that patrons are still able to pick up materials when the library is closed. She stated that they're especially proud since Selbyville is the only library in Sussex County to have these lockers.

Cheryl Humphries, a resident in Lighthouse Lakes, asked for clarification on the location of the two Resolutions previously presented.

Jay Griffith from Mountaire reported that they conducted 52 odor checks during the month of March and identified 4 occurrences, all at different locations. Unfortunately, they were not able to identify a specific source. Mr. Griffith also announced that on April 16, 2022, Mountaire will be putting together 3,000 Easter boxes to be distributed to 50 groups throughout the county. The boxes will feed approximately 12, 000 people. While it isn't as large an event as Thanksgiving for Thousands, it's still significant. In Zach's absence, Mr. Griffith reported that Zach and Kevin Murray met with contractors at the park today and that the roof and new door look great. He reported that they're discussing the second phase of renovations now, which include electrical and plumbing.

Numerous members of the Selbyville Community Club were in attendance to welcome Dr. Cary to the Council.

4. Reports –

A. Police –

Chief Collins announced that the secretary has been out for a family emergency, so there is no formal police report this month. Mayor Murray took the opportunity to announce that Chief Collins will be retiring on June 6, 2022. He stated that the Chief has been with the town for 30 years, 20 as Chief, and that he has served the town well. Mayor Murray shared the letter that Chief Collins submitted to the Mayor and Council announcing his retirement.

Chief Collins announced that there will be a Drug Take Back on April 30, 2022 from 10 a.m. until 2 p.m. Available drop-off locations are the Selbyville Town Hall and the CVS on Route 54. He stated that needles will be accepted and that Narcan will also be distributed at this event.

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B. Code – S. Long

No report for the month of March.

C. Water – R. Duncan

See report for the month of March. Councilman Duncan reported that the town continues to meet all state and federal testing requirements. He announced that hydrant flushing will be the week of April 25, 2022, a twice-annual process that helps to keep the water clean, fresh and safe. Councilman Duncan reminded everyone about the Special Election on May 16, 2022 from 10 a.m. until 4 p.m. at the Selbyville Town Hall. The purpose of the Referendum is the proposed borrowing by the Town of Selbyville to fund water treatment facility backwash improvements and also to fund a new elevated water storage tank. He encouraged everyone to come out and vote. Councilman Duncan also reported that the town recently replaced an automatic flusher in Barkley Estates. He stated that automatic flushers are located throughout town to keep the water moving and to prevent stagnation. Councilman Duncan stated that this is the time of year that the town starts to monitor water pressure due to irrigation systems being back in use. He announced that Artesian has increased the pipe size of the interconnection on Lighthouse Road so the town can now purchase more water to help with the pressure in the Lighthouse Lakes area. He also stated that a letter should be coming from Artesian requesting an emergency interconnect on Route 113 North near the outskirts of town and will only be utilized in emergency situations.

D. Public Works – R. Duncan

See report for the month of March.

E. Recreation – R. Duncan

Councilman Duncan also recognized the ongoing work to buildings at the park and the start of the electrical and plumbing phase. He anticipates the arrival of earth moving equipment any time to start digging the pickleball court. He and Kevin Murray will be meeting to discuss the layout of playground equipment, batting cages and other details. Councilman Duncan reported that the town has not received a response from their letter to Indian River School District concerning the town's interest in the adjacent property.

F. Sewer – F. Smith

See report for the month of March. Councilman Smith reported that the plant performed within all required permit levels for the month. He confirmed with town engineer Jason Loar that work on the pista grit is ongoing and that, hopefully, it may be operational this week. He also

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anticipates the replacement of RAS and other pumps. Jason stated he will have recommendations after he meets with Bettina and has a better understanding of the issues. He added that replacement pumps are no longer being manufactured so the costs to get them is outrageous. Councilman Smith advised Jay Griffith that he may want to let Mountaire know there will be forthcoming expenses. Jason added that this also includes work on Church Street Pump Station. Jay asked that they let him know in advance of the anticipated timeline so Mountaire can plan accordingly.

G. Planning and Zoning – R. Duncan

See Minutes of the March 23, 2022 meeting.

Councilman Duncan stated that the first item on the agenda was the consideration of Preliminary Plan Approval for a showroom, offices and an outbuilding for property located at 35 S Main Street, Tax Map 5-33-16.16 Parcel 102.00, owned by Alan Halle of AGH Real Estate Corporation. He stated that the property is located near the intersection of Lighthouse Road and South Main Street and is zoned Historic Business. Councilman Duncan stated that Mr. Halle proposes to build an office and showroom for his renovation company, as well as his custom home building company, designed after one of his model types. A pole building with similar architectural style will also be constructed on the property. DelDOT has required that they change the location of the outbuilding, moving it to the right side of the property. Councilman Duncan stated that the plan has been reviewed by Davis, Bowen and Friedel. Aside from standard comments, he stated that Davis, Bowen and Friedel is requiring that Mr. Halle update the sanitary sewer service connection to connect to the existing gravity line at least 4-feet from the existing manhole, and to obtain and provide a DelDOT Utility Permit for the service connection to the other side of the road. Councilman Duncan 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 approve the Preliminary Plan Approval for a showroom, offices and an outbuilding for property located at Tax Map 533-16.16 Parcel 102.00 as presented. Motion seconded by Councilman Smith and carried by all.

Councilman Duncan stated that the second item on the agenda was the consideration of Site Plan Improvements to add a second drive-thru lane at McDonald's located at 38215 Dupont Blvd., Tax Map 5-33-16.15 Parcel 67.02. Sandra Bruno from Bohler Engineering represented the applicant. She stated that they are not proposing any other site improvements, entrance improvements or utility improvements to the property. McDonald's overall goal is to utilize side-by-side drive-thru lanes, each with its own ordering queue, to improve efficiency. She noted that eight (8) parking spaces on the east side of the building will be eliminated to accommodate the additional lane. Ms. Bruno stated that they have requested a Variance through

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the Board of Adjustment with a hearing scheduled in April. They are asking for a recommendation for approval contingent on approval from the BOA. Ms. Bruno stated that, according to Code, the restaurant is required to have 42 parking spaces. It currently has 34 spaces and, if approved, will be dropping to 26 spaces. She stated that they do not anticipate parking issues, as most customers currently utilize the drive-thru feature. She reiterated that her client's main objective is to improve efficiency and customer satisfaction. Councilman Duncan stated that it is the recommendation of the Planning and Zoning Committee that the Council approve this request as presented contingent on approval by the Board of Adjustment. Councilman Tingle made a motion to approve the Site Plan Improvements for McDonalds located at 38215 Dupont Blvd., Tax Map 533-16.15 Parcel 67.02 as presented contingent on approval by the Board of Adjustment. Motion seconded by Councilman Smith and carried by all.

H. Industrial Park – C. Tingle

No report for the month of March.

I. Annexation – C Tingle

See Minutes of the March 28, 2022 meeting.

Councilman Tingle stated there was a request to annex properties identified as Sussex County District 533 Map 11.00 and Parcel 35.00, containing 73.57 acres, more or less, and Sussex County District 533-Map 18.00 Parcel 5.00, containing 92.946 acres, more or less; and to amend the Zoning Map and Zoning Ordinance of the Town of Selbyville to include said territory into the R-4 Residential District, with a Residential Planned Community (RPC) Overlay.

Councilman Duncan stated that the committee heard from Daniel Bunting, owner and developer of the properties. He stated that Mr. Bunting is proposing 310 units, leaving over 100 acres of open space. Councilman Duncan stated that completion of the project would not be for several more years. He stated that the properties are within the town's CPCN servicing area and within the town's Comprehensive Plan, identified years ago for future growth. Councilman Duncan stated that the Annexation Committee believes that it is the right time to bring the properties into town. It requires work to study the impact on water and sewer and to prepare for the necessary improvements, but the town has anticipated the growth. Councilman Tingle stated that the town allows 2.2 units to the acre, but that Mr. Bunting is proposing fewer than the allowable number. Councilman Duncan stated that the county density is much greater, and if not annexed into the town, the properties will be developed by the county at a greater density. Engineer Jason Loar agreed that the town will be able to service the area after improvements are made. Councilman Duncan stated that it is the recommendation of the Annexation Committee that the Mayor and

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Council approve this request. Councilman Tingle made a motion to accept the annexation request as presented. Motion seconded by Councilman Smith and carried by all.

Councilman Tingle read the following Resolution by title.

**RESOLUTION PROPOSING TO ANNEX CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT LIMITS OF THE TOWN OF SELBYVILLE, OWNED BY WEST SELBYVILLE DEVELOPMENT, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-11.00-35.00, CONTAINING 73.57 ACRES, MORE OR LESS, AND SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-18.00-5.00, CONTAINING 92.946 ACRES, MORE OR LESS (“SUBJECT PROPERTY”);
AND
TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF SELBYVILLE TO INCLUDE SAID SUBJECT PROPERTY IN THE R-4 RESIDENTIAL DISTRICT;
AND
ESTABLISHING THAT A PUBLIC HEARING BE HELD ON SAID ZONING AMENDMENT ON THE 2ND DAY OF MAY 2022, AT 7:00 O’CLOCK IN EVENING, PREVAILING TIME, AT THE TOWN OFFICE, 1 W. CHURCH STREET, SELBYVILLE, DELAWARE.**

Councilman Tingle made a motion to set a Public Hearing on the proposed Resolution on Monday, May 2, 2022, at 7 o’clock p.m. at 1 W. Church Street, Selbyville, Delaware. Motion seconded by Councilman Smith and carried by all.

J. Administration – C. Tingle

Councilman Tingle presented a request from PNC Bank to renew their Licensing Agreement for the ATM machine at Town Hall. PNC currently pays the town a monthly fee of \$425.00. The new agreement proposes \$400 a month for five years. Councilman Tingle stated that he was not in favor of lowering the fee and made a motion to renew the Licensing Agreement for the ATM machine at Town Hall with PNC for five years at the current rate of \$425.00 per month. Motion seconded by Councilman Smith and carried by all.

Councilman Tingle reminded everyone again about the Referendum on May 16, 2022 from 10 a.m. until 4 p.m. at the Town Hall. He encouraged everyone to vote.

Town Manager Stacey Long presented a request for Consideration of amending the Future Land Use Map of the Comprehensive Land Use Plan to allow for the Application for rezoning of real property owned by Keith and Shelly Coffin, identified as Tax Map and Parcel 5-33-17.00-156.04 located on Lynch Road. She identified the location of the property on Lynch Road. The

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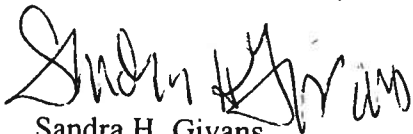
request is to change zoning from R-4 to Neighborhood Business. The town would have to amend the Comprehensive Plan before the rezoning could be approved. She stated that the request is for the town to consider that process. She added that the process is quite lengthy and suggested that the Council may want to hold a Public Hearing first to see if it's something they want to entertain. She stated that the property is contiguous to the property in the second Resolution set for a Public Hearing on April 27, 2022. After a brief discussion, Councilman Tingle made a motion to hold a Public Hearing on Wednesday, April 27, 2022, at 4 o'clock p.m. at the Selbyville Town Hall on the request as presented. Motion seconded by Councilman Smith and carried by all. If approved at the Public Hearing, Stacey stated that the town would then start the process to change the maps.

In conclusion, Councilman Tingle presented a donation request by the John M. Clayton Elementary School Robotics Team. He stated that the team is currently raising money to attend a competition in Dallas, Texas in May. They're trying to raise funds for airfare and hotel costs. Audience member and longtime resident Dawn Lekites shared that she knows several Selbyville students who will be attending the competition and encouraged the Mayor and Council to support the event. Councilman Tingle made a motion to donate \$500.00 to the JMC Robotics Team. Motion seconded by Councilman Duncan and carried by all.

Councilman Duncan took the opportunity to invite everyone to visit the Selbyville Museum. Resident Mike West, also a member of the town's Planning and Zoning Commission, has done a great job renovating the interior and reorganizing the contents. He's also donated many items from his personal collection. Councilman Duncan thanked Mike for his time and for his interest in the Museum. He stated that it's very impressive and that Mike should be very proud of the results. Mayor Murray reminisced that his first Town Meetings were held in that single room building and that if anyone wants to know the history of Selbyville, they need to visit the Museum. He added that, at one time, Selbyville was known as the Strawberry Capital of the World.

There being no further business to discuss, Councilman Smith made a motion to adjourn the meeting. Motion seconded by Councilman Duncan and carried by all.

Respectfully submitted,



Sandra H. Givans
Assistant Secretary/Treasurer