

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING JUNE 6, 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 Councilmembers Frank Smith, Carol Cary and Clarence Tingle. Councilman Richard Duncan was absent.

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. Presentation of the Minutes of the May 3, 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.
- C. Presentation of the May 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.

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 also commented on the rising price of gas.

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

A RESOLUTION ANNEXING 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;

AND

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF SELBYVILLE TO INCLUDE SAID TERRITORY IN THE R-4 RESIDENTIAL DISTRICT, WITH A RESIDENTIAL PLANNED (RPC) OVERLAY.

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Councilman Tingle stated that the request to annex these parcels was discussed at a Public Hearing held on May 3, 2022. The parcels are located across from the Lighthouse Lakes development. Town Manager Stacey Long confirmed that she has received Office of State Planning approval, that the 30-day comment period has expired, and that a Public Hearing has been held, all requirements for annexation. Councilman Tingle made a motion to approve the Resolution annexing Parcel No. 533-11.00-35.00 and Parcel No. 533-18.00-5.00 as presented. Motion seconded by Councilwoman Cary and carried by all.

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

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 32707 LIGHTHOUSE, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-18.00-5.01, CONTAINING 20,184.2 SQUARE FEET, 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, WITH A RESIDENTIAL PLANNED COMMUNITY (RPC) OVERLAY.

Mayor Murray stated that this parcel is located across from the entrance into the Lighthouse Lakes development. The property includes approximately one-half acre that will be contiguous with the annexation previously discussed. Developer Daniel Bunting stated that for safety reasons, DelDOT has requested that the entrance to the proposed development align with the entrance into Lighthouse Lakes. Mayor Murray passed the Resolution to Councilman Tingle for review by the Annexation Committee. Mayor Murray appointed Councilman Tingle, Councilman Smith and Councilwoman Cary to the Annexation Committee.

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

A RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON JULY 11, 2022, AT 7:00 P.M., AT THE TOWN HALL, 1 W. CHURCH STREET, SELBYVILLE, SUSSEX COUNTY, DELAWARE, TO CONSIDER REZONING THE REAL PROPERTY OWNED BY KEITH A AND SHELLY J. COFFIN, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NUMBER 533-17.00-156.07, FROM R-4 RESIDENTIAL TO NB NEIGHBORHOOD BUSINESS.

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Mayor Murray stated that this property is located at the intersection of Lynch and Lighthouse Roads. Town Manager Stacey Long stated that Mr. Coffin had originally requested that this property be rezoned from R-4 Residential to GC General Commercial. After a Public Hearing, held on April 27, 2022, Mr. Coffin agreed to withdraw his original application and to reapply for NB Neighborhood Business. Stacey confirmed that Mr. Coffin needs to go through the publication process again. Councilman Tingle made a motion to hold a Public Hearing on July 11, 2022 as presented. Motion seconded by Councilman Smith and carried by all.

D. Mayor Murray read the following Ordinance into the Minutes by title only.

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF
SELBYVILLE, CHAPTER 184, VEHICLES AND TRAFFIC, BY
REVISING SECTION 184-1 THEREOF TO RESTRICT PARKING ON
BOTH SIDES OF LIGHTHOUSE ROAD WITHIN 720 FEET OF THE
CORNER OF LIGHTHOUSE ROAD WHERE IT INTERSECTS WITH
SOUTH MAIN STREET.**

Town Manager Stacey Long reported that the police department has been getting numerous complaints about cars parked along this section of roadway. Parked cars block the view of some drivers and inhibit the flow of traffic, making for hazardous conditions. Stacey stated that 720 feet extends almost to Sussex Eye Center, a reasonable and safe distance from the intersection. She stated that DeDOT has agreed to support any restrictions the town imposes. Councilman Tingle made a motion to amend the Code of the Town of Selbyville, Chapter 184, Vehicles and Traffic as presented. Motion seconded by Councilman Smith and carried by all.

3. Visitors in Attendance –

Polly Quinn from the Bethany-Fenwick Area Chamber of Commerce updated the Mayor and Council on events planned for Old Timer's Day, which is to be held on Saturday, June 18, 2022. A few of the attractions include a beer garden, a walking tour, a corn hole tournament, a petting zoo and pony rides. She thanked the Mayor and Council for their continued partnership and asked if any of them would like to volunteer to be a judge for the car show. Councilwoman Cary graciously volunteered.

Mr. Bill Kirsh, who regularly attends the monthly meetings with his wife, congratulated Chief Collins on his retirement. He thanked him for a job well done and wished him well.

Diane Schmidt of the Selbyville Community Club commented on the recent Youth Art Show. She reported that they had a lot of entries this year and that they gave out a lot of awards, calling the local artists amazing. She also thanked the Mayor and Council for their continued support of the Art Program.

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Jay Griffith from Mountaire reported that they conducted 46 odor checks during the month of May and identified one occurrence, on May 19, 2022, around the old Town Hall at 68 W Church Street. He stated that they are using more deodorizer on their exhaust fans and he believes this is helping.

Zack Evans, also from Mountaire, reported that they participated in Career Day and Touch the Truck Day at Phillip C. Showell Elementary School. He stated that they've also been painting lines and installing new basketball hoops at the school. Zack reported that work on the facilities at the pickleball courts continues to progress. Coastal Services, who is doing most of the work, has lines buried and is getting ready to reconnect to electric. Zack stated that the contractors are trying to match the pace of the crew that will be installing the courts. Their hope is to have the facilities finished before the courts are installed. Zack anticipates a July or August ribbon cutting event.

Ron and Josephine Hamblin expressed frustration about their inability to find a water supply that would enable them to hook into town water. They own a home at 32654 Lighthouse Road and recently annexed into town for the services. Mr. Hamblin stated that they've been at least five months dealing with the water issue. He is willing to pay for the connections, and has spoken to several plumbing companies, but no one is willing to cross the tax ditch on his property. He has been advised that the mound of dirt going over the tax ditch is not deep enough to be considered a safe depth. They would have to tunnel under the tax ditch, which is very costly. The Hamblins asked if the town would consider allowing them to hook up to just sewer and bill them for the amount of water typically used by a three-bedroom home, or if the town would allow them to install a septic system. Stacey advised that DNREC would not permit the installation of a septic system where sewer services are available. Town engineer Jason Loar volunteered to give the Hamblins the name of another plumber and Daniel Bunting offered that Seascape Property Management manages the common area in Lighthouse Lakes, which borders the Hamblin's property. The Mayor acknowledged that it is an unusual situation. Stacey stated the town will try to find a way to work with the Hamblin's to resolve the issue.

Joanne Guilfoil, a local author, stated that she is writing a book titled Chickens on Delmarva. She is using an image of the large mural on the wall in the Selbyville Post Office in her book and respectfully asked if the Mayor and Council would consider donating to help with the cost of purchasing the image. The mural is of a chicken farm. Ms. Guilfoil stated that there will be several pages in the book dedicated to Selbyville businesses, to include Doyle's and Danzi Brothers. She also stated that the book will be dedicated to local veterinarian, Dr. Anthony Lashora. Ms. Guilfoil left her contact information and several publications for the Mayor and Council to review.

Mayor Murray took the opportunity to recognize W. Scott Collins who is retiring as Chief of the Selbyville Police Department. Scott has been employed by the Selbyville Police Department

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for thirty years, the last twenty as Chief of the department. Mayor Murray presented Chief Collins with a plaque thanking him for his dedication and service to the community. He read the inscription and stated that it was "A small sentence for a lot of hard work." Mayor Murray praised Chief Collins for taking care of his department and for taking care of the town over the years. He acknowledged that it is a tough job and that Chief Collins has done it well. Mayor Murray congratulated Chief Collins on his retirement, ending with "They say all good things have to come to an end, Scott, and you have certainly been a good thing."

4. Reports –

A. Police –

1. Appoint the Chief of Police –

Requesting the support of the Council, Mayor Murray stated that it is his recommendation to offer the Chief of Police position to Brian Wilson. Mayor Murray stated that Captain Wilson is a twenty-two-year veteran of the Selbyville Police Department and, as such, feels he is qualified and capable. Councilman Tingle made a motion to appoint Brian Wilson as the Chief of Police. Motion seconded by Councilwoman Cary and approved by all. Brian Wilson accepted their offer and thanked them, saying he was very honored.

Chief Wilson reported that there were 302 calls for service, 134 tickets issued and 16 varying arrests during the month of May. He also reported that Recruit Uriel Romero successfully completed the Police Academy at the end of May and is currently on Field Training and doing well.

B. Code – S. Long

See report for the month of May.

C. Water – S. Long

See report for the month of May. In Councilman Duncan's absence, Jason Loar addressed the work the town requested of Mountaire in association with Mountaire's request for a new production well. He stated that Mountaire has requested from DNREC a FOIA request for the ground water model data that was used to determine the town's May 2015 source water assessment for the well head protection areas. Jason advised that the town has two options on what data they want to provide to Mountaire. The first option is to provide Mountaire with all the data **including** the town's production wells. The second option is to give them all the data

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excluding the town's production wells. Jason stated that he knows, and trusts, the consultant and that they do a good job. His recommendation, to which Councilman Duncan agreed, is Option 1, to release all the data to Mountaire's consultant so they can do a thorough modeling of the groundwater. Jason added that, in the long run, this would also help the town in development of any future wells. He stated that DNREC needs authorization to either release all the files or some of the files. Jason stated that the use of these files will determine if, and how, it may affect the town's production wells, especially since Mountaire's proposed well site is near the town's CR-1 and CR-2 well sites. Jason confirmed that the town will be advised of the findings. Councilman Tingle made a motion to release all the data to Mountaire. Motion seconded by Councilwoman Cary and carried by all.

Town Manager Stacey Long reported on the May 16, 2022 Referendum results authorizing the issuance of up to \$6,050,000.00 maximum principal amount general obligation bonds to provide financing for water treatment facility backwash improvements and financing for the construction of a new elevated water storage tank, said amount to include the payment of such costs associated therewith, and ordering a Special Election in connection therewith. The results of the election are as follows:

Total Number of Voters – 152
Total Number of Votes Cast – 152
Total Number of Voided Votes – 0
Total Number of Votes For the Proposed Borrowing – 140
Total Number of Votes Against the Proposed Borrowing – 12

The Election Officers were Loryn Hanley, Inspector; Virginia Pepper, Judge; Deborah McCabe, Judge.

Stacey and the Mayor and Council thanked everyone for their support.

Stacey concluded by reporting that town employee Trey Johnson will soon be graduating from the Delaware Rural Water Association Apprenticeship Program. He was part of a three-year program and passed with flying colors.

D. Public Works – S. Long

See report for the month of May. Stacey advised that she has received three quotes to repair drainage issues in town - on East Railroad Avenue, West Railroad Avenue and Clendaniel Avenue. The total quote is \$28,885.00. She reported a quote of \$6,073.00 for the continued repair of drainage issues in Meadowview Estates and a quote of \$11,318.00 to install two catch basins and a 12-inch storm drain extending approximately 100 feet on Clendaniel Avenue, also the continued repair of drainage issues in that area. Stacey is requesting authorization to

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apply for Community Transportation Funding (CTF) through our local representatives to fully fund these projects. The Council authorized her to apply for the funding.

E. Recreation – S. Long

Stacey reported that on Wednesday, June 8, 2022, they should be beginning the site work for the pickleball courts. They should be ready to pour the concrete in approximately a month. Stacey is happy to be seeing progress on that project.

Stacey presented the attached quote from Vector Security for security cameras at the park. She reported that she, Chief Wilson, and Maintenance Supervisor Kevin Murray met with a representative of Vector Security at the park. They decided on the strategic placement of six cameras. Cameras will provide coverage at the front gate, concession, parking lot, storage room and pickleball area. The quote for the camera system is \$11,863.00. Stacey advised that they also need to decide on the Cloud based storage system. The monthly cost for 60 days of Cloud Storage is \$286.00. The monthly cost for 90 days of Cloud Storage is \$334.00. The Mayor and Council agreed that it's necessary to monitor their investment. Zach Evans of Mountaire also agreed that contractors will want their trucks, tools, and equipment monitored once on site. Councilman Tingle made a motion to accept the \$11,863.00 quote from Vector Security to install security cameras at the park and to enroll in the \$286.00 monthly Cloud Storage fee. Motion seconded by Frank Smith and carried by all.

F. Sewer – F. Smith

See report for the month of May. Councilman Smith reported that DNREC toured the wastewater plant on May 20, 2022 and that they videotaped the pista grit in operation. He believes that may have been for EPA purposes. Jason stated that he owes the EPA a letter advising them that the pista grit is operational, detailing the work that was done on it and confirming that their requests have been satisfied. Councilman Smith also reported that the force main on Polly Branch Road is actively being installed.

G. Planning and Zoning – S. Long

1. See Minutes of the May 25, 2022 meeting.

Mayor Murray stated that the first item on the agenda was the consideration of 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. The property is located near the intersection of Lighthouse Road and South Main Street and is zoned

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Historic Business. Stacey advised that the Final Plan has been reviewed by Davis, Bowen & Friedel who recommended final site plan approval. Stacey reported that it is the Recommendation of the Planning and Zoning Committee that the Mayor and Council approve this request. Allan Halle presented a rendering and a brief overview of his project. He noted that the attached garage will now be used as a showroom. A 40 x 40 pole building with similar architectural style will also be constructed on the property. DelDOT required that he change the location of the outbuilding, moving it to the right side of the property, which Mr. Halle stated is actually better because the house helps shield the building from the street view. Mr. Halle stated that they will be using the facility for their sales office, for their real estate company, for their renovation company and for their custom home company. The outbuilding is for the storage of equipment. The Council agreed that it is a very attractive building. Councilman Tingle made a motion to approve the Final 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.

H. Industrial Park – C. Tingle

No report for the month of May. The Mayor and Council briefly discussed the need for another Industrial Park.

I. Annexation – C. Tingle

No report for the month of May.

J. Administration – C. Tingle

Councilman Tingle reported that the Mayor and Council held a Special Meeting on June 3, 2022 to discuss the consideration of pension buy back for all employees who were employed with the town prior to 2012. He stated that the town joined the County/Municipal Police/Firefighters' Service Pension and the County/Municipal General Employees' Service Pension with the State of Delaware in February 2012. For several months, the Mayor and Council have been discussing and reviewing the cost to buy back pension years. Councilman Tingle stated that it would cost the town a considerable amount of money and he doesn't see how, in good conscience, the town could finance it with taxpayer money. Mayor Murray confirmed that the Council did not reach a solution.

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K. Administration – S. Long

Stacey reported that Sullivan's Landscaping has come forward with a rezoning request. The property is located at 38225 Blueberry Road, behind Royal Farm. She advised that this was discussed many years ago and that Mr. Sullivan was granted a Conditional Use to move forward with his plans for the property until the town's Comprehensive Plan was drafted, finalized and approved by the governor. Now that that has happened, he is requesting rezoning. Stacey advised that the town is now required to go through a Comp Plan Amendment. With the Mayor and Council's approval, she stated that she will work toward that process, including Public Hearings and notifications.

Stacey also reported that the town has completed the Asset Management Program. The five-year project was started in 2016 and is now finalized with both drinking water and wastewater. Stacey stated that it's an important tool to have when going for funding for either of those utilities.

In conclusion, Stacey reported that she's been informed by the Sussex County's Building Permit Director that the county is switching to the 2021 International Building Code and International Residential Code in January 2023. The town has always piggy- backed off the county code so will presumably be making that switch as well.

5. Executive Session -

There being no further business to discuss, Councilman Smith made a motion to go into Executive Session to discuss personnel issues. Motion seconded by Councilman Tingle carried by all.

Respectfully submitted,



Sandra H. Givans
Assistant Secretary/Treasurer