

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING DECEMBER 5, 2022**

Mayor Murray welcomed everyone and thanked them for taking the time to come out. Councilmembers Clarence Tingle, Frank Smith, Richard Duncan, and Carol Cary were in attendance.

1. Public Hearing – Community Development Block Grant

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. He introduced Mr. Brandon Hamilton and Tyesia DuPont-Palmer, Rehabilitation Specialists for the Sussex County Community Development and Housing Department. Mr. Hamilton thanked the Mayor and Council for the opportunity to once again present the Community Development Block Grant (CDBG) to the residents of Selbyville. He stated that his office applies for and administers the Community Development Block Grant (CDBG) for Sussex County. They apply for the funding on behalf of municipalities and rural communities within the county. The grant is funded by the U.S. Department of Housing and Urban Development and is allocated to Sussex and Kent counties through the Delaware State Housing Authority. Mr. Hamilton stated that this year, approximately \$2,000,000 will be awarded to Kent and Sussex counties on a competitive basis. The program funds housing rehabilitation to low and moderate income homeowners. Repairs may include roofs, windows, electrical, demolition, and water and sewer infrastructure. Mr. Hamilton stated that the properties must be homeowner occupied and all property taxes, homeowner's insurance, and utilities must be current. He reviewed the income guidelines. A two-person household can earn a maximum of \$53,800 and it increases or decreases approximately \$6,000-\$8,00 per person. In order to protect the funding, grants under \$5,000 require no lien, but grants between \$5,000 and \$15,000 require a five (5) year lien, and grants between \$15,000 and \$40,000 require a ten (10) year lien. Mr. Hamilton stressed that it is not a loan and that it does not accrue interest. It is repaid in years, not in money. The purpose of the lien is to encourage the homeowner to remain in the home after it has been repaired. If the person dies or the home is sold before the lien is forgiven, the remaining money must be repaid. Mr. Hamilton reported that within the past five years, Selbyville has received \$175,000 in CDBG funding and assisted six households. He also noted that during the past five years, \$735,000 has been applied for in Selbyville overall. The remaining portion of the funding for the current fiscal year will be used for five households that are under contract. Additionally, funds are available from the Sussex County Council for such emergencies as no water, no heat, frozen or broken pipes, severe roof leaks, and handicap accessibility projects. There are currently 14 homes on Selbyville's waiting list. Mr. Hamilton left the list for the town's review, and he also left information for residents interested in applying. Applications are due in his office on or before February 23, 2023. The phone number to his office is (302) 855-7777.

The Mayor and Council unanimously agreed that the Community Development Block Grant has been very beneficial to the Town of Selbyville.

Councilman Tingle made a motion to continue participating in the Community Development Block Grant. Motion seconded by Councilman Smith and carried by all.

The meeting was properly posted.

2. Opening of meeting –

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- A. Mayor Murray called the meeting to order.
- B. Mayor Murray led in the Pledge of Allegiance.
- C. Presentation of the Minutes of the November 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 Duncan and carried by all.
- D. Presentation of the November 30, 2022, bills by Mayor Murray. Councilman Smith presented the Mayor and Council with two additional bills totaling \$31,798.50. The bills were \$31,238.50 for a replacement pump for the Church Street pump station and \$560 to troubleshoot the old pump. After review by the Council, Councilman Duncan made a motion to pay all bills as presented including the additional bills presented by Councilman Smith. Motion seconded by Councilman Cary and carried by all.

1. Mayor's Report & Comments:

Mayor Murray reported that the Christmas lights are on and the Town looks good. While he was unable to attend the 61st Annual Selbyville Christmas Parade, he heard it was a success.

2. Visitors in Attendance:

Diane Schmidt from the Selbyville Community Club thanked the Town for being a donation site for the "Coats & Sweats for Vets" Public Service Project. She stated that they collected 851 pieces of clothing to be distributed by the Delaware Center for Homeless Veterans which she emphasized packed a U-Haul truck. Ms. Schmidt mentioned that they are planning to participate again next November. Councilman Duncan thanked the Club for participating in this project.

Jay Griffith from Mountaire reported they have done twenty-eight odor checks since the last town meeting and identified five instances of odor in the afternoon. He said they have some plans for next year to try to control it. Mr. Griffith also stated that he helped out with this year's Christmas Parade. He stated that one of the band directors that he encountered during the parade stated that this was the fourth parade they had participated in and was the most organized one as well. Mr. Griffith agreed that it went very smoothly and commended Stacey and the Town for a job well done. He also mentioned that Mountaire Farms had its Thanksgiving for Thousands Program last month. There were a lot of volunteers, and they packed over 10,000 boxes in less than five hours. Diane Schmidt volunteered and added that it went by quickly and was well organized.

Bill and Susan Kirsch of Lighthouse Crossing regularly attend the town meetings and stated that they are celebrating nine years of attending the meetings.

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Mayor Murray took a moment to recognize that the Town has a lot of good organizations such as the Community Club, Library, and more that all do a great job.

3. Reports

A. Police Report – Chief Wilson

Chief Wilson reported there were 262 calls for service, 74 tickets issued, and 15 criminal arrests for the month of November. He also reported that the new Ford Police Vehicle is having emergency equipment installed and should be done soon. Chief Wilson reported they have one officer out due to an injury, and they are short-staffed. He concluded his report by stating there was a good turnout for the Christmas Parade and there were no incidents reported.

B. Code Enforcement – S. Long

See report for the month of November.

C. Water – R. Duncan

See report for the month of November. Councilman Duncan reported for the month of November the water plant produced 5.2 million gallons of water. We continue to purchase water from Artesian to help keep the water pressure on the eastern side of town as well as meet all State and Federal testing requirements. Councilman Duncan also reported that hydrant flushing took place last month. Hydrant Flushing is a twice-annual process that helps to keep the water clean, fresh, and safe. There were no reports of discolored water. He commended the Town Water Plant employees for a great job. Additionally, he reported that they have been repairing and replacing hydrants. A new hydrant was installed near a new business on Route 113 called Decks and Docks Lumber Company. He concluded his report by stating that they have met with Bunting and Murray regarding the lot for the elevated water storage tank. Jason Loar, Town Engineer, has sent them a plot, so they can begin to survey the lot to determine where timber needs to come out. Jason stated that they are currently working through permitting.

D. Public Works – R. Duncan

See report for the month of November. Councilman Duncan stated the public works department got the Christmas lights up and working. They have also been repairing sinkholes near catch basins as well as broken trash cans. Councilman Duncan reported that the Old Town Hall building will be torn down the week of December 19th and work for the new Public Works building should begin in January.

E. Recreation – R. Duncan

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Councilman Duncan stated that the pickleball courts are done and the inside and outside of the buildings need to be painted. He also stated that they met with Zach Evans from Mountaire Farms to discuss future plans for the area. Mountaire has offered to have a visual rendering done, so we can visually plan for the future of the area. Councilman Duncan stated they plan to have walking trails, a pavilion, and playground equipment put in. Stacey reported that she received an update that the ORPT Grant was approved by the Parks and Recreation Council with the State of Delaware. It is a 50-50 matching grant. We applied for \$50,000 which the Town would match. However, we qualified for their incentive program. They awarded the Town with \$75,000, and the Town will pay \$25,000 for the next phase.

F. Sewer Report – F. Smith

See report for the month of November. Councilman Smith reported that plant had an average daily flow of 1,077,900 gallons with a peak flow of 1,194,000 gallons. The plant performed within all permit parameters for the month. Councilman Smith stated that Mountaire was down over the weekend and when they started up again, it caused a problem with the Town Sewer Plant that made it shut down. They are currently diverting the flow to the lagoon ditches. Councilman Smith said they did not go out of compliance. He also stated that he will find out more information about what happened and will report on it at the next meeting. Jay Griffith said they will investigate it on the Mountaire side as well.

G. Planning & Zoning – R. Duncan

1. See Minutes of the October 12, 2022 meeting.

Councilman Duncan stated this meeting was consideration of Preliminary Site Plan approval for Kingfisher Development consisting of 326 units (90 townhomes and 236 single family homes) located on Lighthouse Road, directly across from Lighthouse Lakes, District 5-33 Map 18.00 Parcels 5.00 and 5.01 and District 5-33 Map 11.00 Parcel 35.00, owned by West Selbyville Development, LLC. Daniel Bunting of West Selbyville Development, LLC presented a rendering of the plan. He stated that the project consists of three different parcels that were recently annexed into town. Conceptual plans for the project were discussed during the annexation process. Mr. Bunting stated that the third, and final, parcel was acquired at the request of DelDOT. For safety reasons, DelDOT is requesting that the Kingfisher entrance align with the current entrance into Lighthouse Lakes. Mr. Bunting stated that the proposed development will be a mixed used development, with both town homes and single family homes, on 60 foot and 75 foot lots. Their intention is to appeal to buyers at all price points. The project consists of 165 acres. Mr. Bunting stated that the proposed 326 units is well below the allowable density of 2.2 to the acre required by the R-4 Residential with an RPC overlay. He added that there is an abundance of open space in the proposed design, with 95 acres of the land open space. Of the 86 acres of woods, only 20 acres are being removed. Mr. Bunting stated that the remaining wooded area will be perfect for walking paths, ponds, and wildlife. Amenities will include a Club House, tot lot, pickleball courts, and large ponds for kayaking and fishing. He

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stated that it the project is estimated to generate \$2,200,000 in impact fees. It is also estimated to generate \$1,100,00 in county and town taxes per year.

Mr. Bunting stated that the Preliminary Site Plan for Kingfisher Development has been reviewed by the town's engineer and has received a favorable recommendation. He added that this project will require that the Coastal Villages pump station be built and operational as well as the town's current water tower project. Mr. Bunting stated that he anticipates a 2025 start date for the proposed project. He anticipates 1-year of development before homes start and then an 8-year build out with approximately 40 homes being completed during each of those years.

Steve Marsh, an engineer from GMB, presented a list of RPC Variance Requests for the proposed Kingfisher Development. (That list is included with these Minutes.) The first request was regarding the RPC code that states that townhomes be separated from the adjacent development with single family lots or a landscaped open area buffer that is at least 100 feet in width. Mr. Marsh stated that Chairman Murray of the Planning and Zoning Commission clarified that the intent was separation for adjoining properties and not internal distances between different unit types inside the same development, so this specific variance request is not needed. The next RPC code states that all lots shall contain a minimum lot area of 75 feet width by 120 feet depth. They have requested a variance for a portion of the lots to be 60 feet width by 120 feet depth to offer different products and price points to the community. 20 feet rear setbacks, a decrease of 10 feet from the standard 30 feet rear setback was also requested. The next RPC code variance request was for a reduction in the Boat / RV storage area and space size. They requested 10% rather than the required 20% of the total number of units and also that space size be reduced to 12 feet by 30 feet. Mr. Marsh noted that current Boat / RV storage lots are rarely full. Additionally, a 25 feet separation between townhomes, a reduction of 15 feet from the current 40 feet requirement, was requested. They believe that 25 feet is an adequate distance. The final variance request was regarding the RPC code that states that dead-end streets of a permanent nature shall be a minimum of 400 feet and shall provide a turnaround at the end with a radius of 40 feet. Mr. Marsh stated that the plan currently reflects a 300 foot length from the middle of the cul-de-sac to the middle of the closest "T" intersection but that the entire street is actually 1,000 feet in length. Mr. Bunting feels confident that the plan meets the intent of the code and that they have adequate room for emergency equipment to turn around in the cul-de-sac. It is the recommendation of the Planning and Zoning Committee that the Mayor and Council approve this request.

Councilman Smith expressed concerns regarding pump stations. He stated that there are currently two pump stations off Route 54, but they are not enough for the upcoming infrastructure. Mr. Marsh stated that there will be a pump station internal to this development which Jason Loar will review to make sure it is sized appropriately. He stated the current plan is for the development to have its own force main and will also connect to the Coastal Villages gravity sewer system and pump station. After a lengthy review, Councilman Duncan made a motion to approve the Preliminary Site Plan with all requested variances for Kingfisher Development, as presented, on Lighthouse Road, District 5-33 Map 18.00 Parcels 5.00 and 5.01

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and District 5-33 Map 11.00 Parcel 35.00 by West Selbyville Development, LLC. Motion seconded by Councilwoman Cary and carried by all.

2. See Minutes of the November 29, 2022 meeting.

Councilman Duncan stated that the first item on the agenda was a lot line adjustment for Billy Banning Enterprises, located at 38070 Dupont Blvd., for District 5-33 Map 16.00 Parcels 37.00 and 38.00. Engineer Bob Palmer from Beacon Engineering addressed the Mayor and Council William Banning was also in attendance. Mr. Palmer stated that the lot line adjustment is in conjunction with the Conditional Use request for a new and used car dealership presented to the Planning and Zoning Commission and to the Mayor and Council earlier this year. He stated that they are preparing land transfers and preparing to move forward with the sale. Mr. Palmer stated that there are two existing parcels. The dance studio is on the larger parcel of farmland. There is also a smaller, residential parcel. Both parcels are zoned GC – General Commercial. Mr. Palmer stated that the intent is to adjust the current lot line by increasing the size of the smaller parcel and decreasing the size of the larger parcel to make way for the relocation of the Holly Kia Car Dealership. Although it was not a part of the lot line adjustment request, he presented a copy of the most recent site plan that they will be submitting in the future. He added that the three existing entrances will be eliminated to make one shared entrance as well as a cross access and utility easement so that the access and utilities would be shared across the two parcels. Mr. Palmer stated they will receive endorsement from DelDOT if the Mayor and Council are in favor of this request. He added that they are proposing a regional storm water facility as well. Mr. Palmer stated that there are no additional plans to subdivide the property and the parcels would be privately owned. It is the recommendation of the Planning and Zoning Commission that the Mayor and Council approve this request. Councilman Duncan made a motion to accept the lot line adjustment for Billing Banning Enterprises as presented. Motion seconded by Councilwoman Cary and carried by all.

Councilman Duncan stated that the second item on the agenda was lot consideration for Roger Bradford, located at 33 S. Main Street, for District 5-33 Map 16.16 Parcels 103.00 and 104.00. Mr. Bradford would like to put a pole barn on parcel 104.00 but was advised by the town that it could not be placed on a vacant lot. He is requesting to combine the lots so that the existing home is on the same lot as the future pole barn. The property is zoned Historic District, prominently located in the heart of town. A rendering of the proposed building was approved by the Historic Committee on October 5, 2022. Mr. Bradford confirmed that the area would be landscaped and well kept and provided the Mayor and Council with a sample of the proposed design and colors of the pole building. It is the recommendation of the Planning and Zoning Committee that the Mayor and Council approve this request. Councilman Tingle made a motion to accept the request to combine the two lots into one as presented. Motion seconded by Councilman Duncan and carried by all.

Councilman Duncan stated that the third item on the agenda was lot consideration for Joseph Dawson and Mohamed Hammad, located at 38 Polly Branch Road, District 5-33 Map 16.12 Parcels 49.00 and 50.00. To familiarize the Mayor and Council with the location, Councilman

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Duncan stated that the property was formerly owned by Cecil and Dick Lort. It is the recommendation of the Planning and Zoning Committee that the Mayor and Council approve this request to eliminate the lot line to make it one parcel. Councilman Duncan made a motion to accept the request to combine the two parcels into one as presented. Motion seconded Councilman Tingle and carried by all.

3. Industrial Park Report – C. Tingle

No report for the month of November.

4. Annexation Report – C. Tingle

No report for the month of November.

5. Administration Report – S. Long

Stacey took a moment to thank all of the volunteers and town staff for making the 61st Annual Selbyville Christmas Parade a huge success. She stated she was very pleased with the turnout and with how smoothly it went. Additionally, Stacey congratulated Loryn Hanley, Administrative Assistant, for completing the first of three years of the Municipal Clerk Certification through the Institute for Public Administration at the University of Delaware.

Stacey announced that Town Hall will be closed on Friday, December 23, and on Monday, December 26, 2022, in observance of Christmas Eve and Christmas Day. The Town Hall will also be closed on Monday, January 2, 2023, in observance of New Year's Day. Due to the next Town Council Meeting falling on a holiday, the January Town Council Meeting will take place on the second Monday of the month, January 9, 2023.

Stacey reported that we have two new businesses coming to town: Second-Chance 302 and KC Cleaning Service. Second-Chance 302 will be located at 13 W. Church Street. It is a retail, resale, and consignment shop. KC Cleaning Service will be located at 7 Discovery Lane. It is a private cleaning and linen service affiliated with some Ocean City hotels.

Additionally, Stacey stated she had received a request from the Selbyville Community Club's Education Committee. They have purchased a free-standing, free library for the community. This box is made exactly as those that hold local papers such as the Dispatch and Coastal Point. It is blue and displays the partnership between the Selbyville Community Club and the Selbyville Public Library. They are requesting to place this box on Main Street in the vicinity of the Dollar General Store and the Barbershop. There is already an existing box in that location for local papers. Selbyville Community Club members would be responsible for maintaining the appearance of the box and stocking it as needed. It is set up like other free libraries as they encourage people to "Take a book, Leave a Book." The Mayor and Council approved this request.

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Stacey advised that it's time to appoint the Board of Election in anticipation of the March election. Councilwoman Cary made a motion to appoint Loryn Hanley, Bonita Maull, and Renda Wise to the Board of Election. Motion seconded by Councilman Duncan and carried by all.

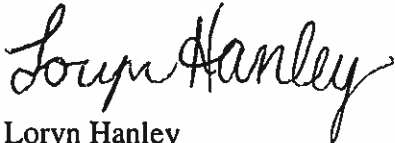
Stacey stated that next on the agenda was the approval of the Engineering Services Agreement for Water and Wastewater Facilities Plans. Stacey asked Jason to explain further. Jason stated that they acquired grants from the United States Department of Agriculture (USDA) and the State of Delaware to complete a Water Facilities Plan and Wastewater Facilities Plan. The USDA requires that there are certain contract documents between the owner and engineer called the Engineers Joint Contract Documents Committee (EJCDC) with USDA modifications. Jason has presented Stacey with the two 57-page contracts that require approval from the Mayor and Council in order for the grant funds to be used. Councilman Duncan made a motion to allow our engineer, Davis, Bowen, & Freidel, Inc, to represent the Town for the Water and Wastewater Facilities Plans as presented. Motion seconded by Councilwoman Cary and carried by all.

In conclusion, Stacey reported that Phases 2B and 3 of Lighthouse Crossing are ready to be turned over to the Town. She presented the Mayor and Council with the Deed of Dedication and the Bill of Sale. Our attorney has reviewed the documents. Our engineers, Davis, Bowen, & Freidel, Inc, have conducted inspections over the past several months and recommended approval. Councilman Duncan made a motion to accept the Deed of Dedication and Bill of Sale for Lighthouse Crossing Phase 2B and 3 as presented. Motion seconded by Councilwoman Cary and carried by all.

There being no further business to discuss Councilman Smith made a motion to adjourn the meeting and to go into Executive Session to discuss personnel matters. Motion seconded by Councilman Tingle and carried by all.

Mayor Murray adjourned the meeting and thanked everyone for attending.

Respectfully submitted,



Loryn Hanley
Administrative Assistant

EXECUTIVE SESSION

Kingfisher – RPC Variance Requests:

The proposed Kingfisher development as detailed in the Preliminary Site Plan, is generally consistent with the Concept Plan that was presented at the annexation public hearings. Regarding the proposed layout, there are several exceptions to the current RPC Code that are being requested as follows:

1. Section 200-36 Residential Planned Community (RPC) District

D. (2) – Permitted Uses (b) [5] Townhouses and two family dwelling lots shall be separated from the adjacent development with single family lots or a landscaped open area buffer that is at least 100 feet in width.

We interpret this as distances between units on adjacent, separate developments, not internal distances between different unit types inside the same development. However, we would appreciate clarification. There is no problem with impact to adjacent developments. Internally, we meet a 100' separation between units (measured to building restriction lines) but not between lot lines. We do not believe a variance is required, but again, would appreciate further discussion on this item. If a variance is required, we propose a minimum separation of 80' at the BRL.

2. Section 200-36 Residential Planned Community (RPC) District

D. (5) – Minimum lot dimensions (a) All lots shall contain a lot area of at least 9,000 square feet and shall have a lot width of at least 75 feet (75 feet by 120 feet)

We propose a portion of lots to be 7,200 square feet (60 feet wide by 120 feet). Variance requested for minimum lot area and minimum lot width.

3. Section 200-36 Residential Planned Community (RPC) District

D. (5) – Minimum lot dimensions (c) Setbacks [3] Rear: 30 feet

We propose a 20' rear yard setback. Variance needed for reduced setback.

4. Section 200-36 Residential Planned Community (RPC) District

D. (6) – Community Features (d) Boat and/or RV storage area(s) that can accommodate a minimum number of paved spaces equal to 20% of the total number of units in the RPC shall be provided. Each space shall have a minimum size of 12 feet by 40 feet. All boat and RV storage areas shall be adequately screened.

The current plan reflects spaces equal to 10% of the total number of units and the spaces shown are 12 feet by 30 feet. Variance requested.

5. Section 200-49 Townhouses, duplexes and multifamily dwellings planning requirements

H. For the purpose of maintaining setback between buildings on the same site, the distance between townhouse, duplex or multifamily buildings shall be 40 feet.

We proposed 25' separation between adjacent "sticks" of townhomes, measured from the BRL. Variance requested to reduce required separation.

6. Section 160-10 Design Standards, B (13) Dead-end streets (cul-de-sac) of a permanent nature shall be a minimum of 400 feet and shall provide a turnaround at the end with a radius of 40 feet. [Amended 12-3-2018]

We are seeking a Variance from the 400' minimum length. The plan currently reflects a 300' length from the middle of the Cul-de-sac to the middle of the closest 'T' intersection.