

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING FEBRUARY 6, 2023**

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.

The meeting was properly posted.

1. Public Hearing –

Mayor Murray opened the Public Hearing:

TO CONSIDER THE REZONING OF REAL PROPERTY OWNED BY LONG FAMILY OF SUSSEX COUNTY, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NUMBERS 533-16.00-25.00 AND 533-16.00-32.00, FROM GC GENERAL COMMERCIAL TO R-4 RESIDENTIAL WITH A RESIDENTIAL PLANNED COMMUNITY (RPC) OVERLAY.

Mayor Murray stated that these two parcels are located by Gene's Auto Sales. Daniel Bunting, the applicant, requested the removal of Tax Map and Parcel No. 533-16.00-32.00 from the consideration of rezoning. He stated that the original plan was to request a Residential Planned Community (RPC) Overlay for both parcels but has decided to separate them and leave Tax Map and Parcel No. 533-16.00-32.00 zoned GC General Commercial. Therefore, he is only asking for the rezoning of Tax Map and Parcel No. 533-16.00-25.00 from GC General Commercial to R-4 Residential with a Residential Planned Community (RPC) Overlay. Mr. Bunting stated that they hope to rezone and meet the 2.2 to the acre allowable density with 98 units of affordable housing on the western side of Route 113 and Cypress Road.

Mayor Murray read a letter from Mr. Louis A. Di Bitonto, an adjacent property owner, in favor of the rezoning into the record. Mayor Murray also read a letter from Mr. Craig Mullins, owner of Gene's Auto Sales and The Speed Shop, which listed concerns regarding the rezoning into the record. **A copy of both letters has been included with the Minutes.** After reading both letters, Mayor Murray invited public comment.

An attendee asked Mr. Bunting if he had an idea of what the average selling price would be for houses within this development. Mr. Bunting stated that it is too early to determine at this time as prices of materials change daily. Another attendee inquired about the current timeframe of when work will begin. Mr. Bunting stated he anticipates it beginning in 18-24 months as they have several agency meetings that need to take place first. Additionally, an attendee asked if there had been any traffic studies done in this area. Mr. Bunting stated that many traffic studies have been done in this area recently, so he is not sure if an additional one will be required as they have not had their DelDOT Project Coordination Meeting yet. One of the attendees asked if the speed limit will be reduced in that area which Mr. Bunting stated is DelDOT's decision.

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There was another question about fencing around the development. Mr. Bunting reiterated that it is early on in the process, however, Town Code requires there to be at minimum landscape buffers. Lastly, an attendee inquired about the size of the lots. Mr. Bunting stated that a majority of the lots will be 75' x 125', but they plan to make a request for some 60' x 125' lots as well. Councilman Duncan stated that more specific details will be examined and discussed with the Planning & Zoning Commission in the future.

Once the question and answer session ended, Councilman Tingle made a motion to close the Public Hearing. The motion was seconded by Councilman Smith and carried by all.

2. Public Hearing –

Mayor Murray opened the Public Hearing:

**TO CONSIDER THE REZONING OF REAL PROPERTY OWNED BY
COY INVESTMENTS, LLC, IDENTIFIED AS SUSSEX COUNTY TAX
MAP AND PARCEL NUMBERS 533-16.00-40.00 AND 533-16.00-41.00,
FROM R-2 RESIDENTIAL TO GC GENERAL COMMERCIAL.**

Mayor Murray stated that these two properties are located behind Royal Farms on Cypress Road and each side of Blueberry Farm Road. Joel Sullivan of Coy Investments and Sullivan's Landscaping stated that they are looking to expand the company and grow locally which is why they purchased these properties. He stated that similar to their location in Milford, they intend to have one parcel focused on the landscaping portion of the business, and in the future have the other parcel be a retail garden center. An attendee asked Mr. Sullivan where they plan to put the garden center. He stated that the long-term plan, 5-7 years or more from now, is to put it on the smaller, triangle-shaped parcel. Another attendee inquired about the approximate size of the buildings. Mr. Sullivan reiterated that the garden center is part of their long-term plan, however, the short-term plan is to put a pole building on the larger parcel that is closer to Royal Farms for small-scale landscaping operations. One of the attendees inquired about the hours of operation, and lighting. Mr. Sullivan stated that hours of operation would most likely be similar to what they are now. He stated that they have already had two thefts at the landscaping facility behind Royal Farms, so they are eager to install lighting. Councilman Tingle stated that he believes this is a good use of the properties.

Once the question and answer session ended, Councilman Tingle made a motion to close the Public Hearing. The motion was seconded by Councilman Smith and carried by all.

3. Opening of meeting –

A. Mayor Murray called the meeting to order.

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- B. Mayor Murray led in the Pledge of Allegiance.
- C. Presentation of the Minutes of the January 9, 2023, 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 January 31, 2023, 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.

4. Mayor's Report & Comments:

Mayor Murray read the following revised Ordinance:

A. AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF SELBYVILLE, SUSSEX COUNTY, DELAWARE, CHAPTER 200, AND THE ZONING MAP OF THE TOWN OF SELBYVILLE, AS AMENDED, TO REZONE REAL PROPERTY OWNED BY LONG FAMILY OF SUSSEX COUNTY, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-16.00-25.00, FROM GC GENERAL COMMERCIAL TO R-4 RESIDENTIAL WITH A RESIDENTIAL PLANNED COMMUNITY (RPC) OVERLAY.

Councilman Tingle made a motion to adopt this revised Ordinance as presented. Motion seconded by Councilman Duncan and carried by all.

Mayor Murray read the following:

B. AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF SELBYVILLE, SUSSEX COUNTY, DELAWARE, CHAPTER 200, AND THE ZONING MAP OF THE TOWN OF SELBYVILLE, AS AMENDED, TO REZONE REAL PROPERTY OWNED BY COY INVESTMENTS, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NUMBERS 533-16.00-40.00 AND 533-16.00-41.00, FROM R-2 RESIDENTIAL TO GC GENERAL COMMERCIAL.

Councilman Tingle made a motion to adopt this Ordinance as presented. Motion seconded by Councilwoman Cary and carried by all.

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C. Mayor Murray stated that the next item on the agenda was a request from Alan Halle regarding the AGH Real Estate, Showroom, Offices, and Outbuilding located at 35 S. Main Street, Tax Map Parcel No. 533-16.16-102.00. Mr. Halle stated that the main showroom and office building has been revised and is being reviewed by the Fire Marshal. DelDOT has approved the site. They plan to begin site work in March. Once that is completed, he would like to begin the accessory outbuilding before the showroom and office building due to pending Fire Marshal approval. He presented a visual representation to the Mayor and Council. After a brief discussion, Councilman Duncan made a motion to approve Mr. Halle's request to build the outbuilding before the showroom and office building. Motion seconded by Councilwoman Cary and carried by all.

D. Mayor Murray stated that according to the Charter, it was once again time to set the Tax Rate. He stated that it is currently \$1.85 per \$100 of assessed value. Councilman Tingle made a motion to keep the Tax Rate at \$1.85 per \$100 of assessed value. Motion seconded by Councilman Smith and carried by all.

E. Mayor Murray presented a request to participate in the annual Mosquito Control Program offered by the State of Delaware. Councilman Duncan made a motion to participate in the Mosquito Control Program in 2023. Motion seconded by Councilman Tingle and carried by all.

F. Mayor Murray read a Proclamation proclaiming March as Art Month for Selbyville Youth in the Town of Selbyville. The Proclamation was presented to Diane Schmidt on behalf of the Selbyville Community Club.

5. Visitors in Attendance:

Zach Evans of Mountaire informed the town that Mountaire will be hosting the Easter for Thousands event on Wednesday, April 5th. They will be packing food boxes and will distribute them to families in need for the Easter holiday. Anyone interested in volunteering for the event is invited to register on Mountaire's website. Mayor Murray added that this is a great event along with Thanksgiving for Thousands and Christmas for Thousands. Zach stated that between the Thanksgiving and Christmas for Thousands events they were able to provide over 50,000 meals to families in need and are eager to continue that momentum into Easter.

Jay Griffith of Mountaire reported they have done forty-five odor checks since the last town meeting and identified three instances of odor and were informed of two additional instances by members of Council.

6. Reports

A. Police Report – Chief Wilson

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Chief Wilson reported there were 433 calls for service, 115 tickets issued, and 10 criminal arrests for the month of January. An officer is still out on medical leave, and they are short-staffed. Chief Wilson concluded his report by stating that they have started the hiring process for another police officer and are accepting applications. The next class at the Police Academy starts in April.

B. Code Enforcement – S. Long

See report for the month of January.

C. Water – R. Duncan

See report for the month of January. Councilman Duncan reported for the month of January the water plant produced 3.9 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 reported that the Water Department continues to flush out dead ends to keep the water fresh and clean and monitor for any contaminants. The Water Tower Project funding has been established and continues to move forward. Additionally, the State of Delaware receives grant funds to replace lead service lines. Jason Loar, Town Engineer, has been putting together the DWSRF Grant Application for Lead Line Inventory which will need to be submitted by February 15, 2023. Councilman Duncan stated they are working on determining the total number of service lines that could potentially be hazardous due to lead, so they can determine an approximate cost in case service lines need to be replaced from the water main to the water meter up to the first valve. They will use that cost to determine the amount of grant money that may be needed, so it will not fall on the homeowner or the Town. Councilman Duncan concluded his report by stating that an intern from Indian River High School will start with the Town tomorrow. He will work with our Water and Public Works Departments for the next twelve weeks.

D. Public Works – R. Duncan

See report for the month of January. Councilman Duncan reported that construction for the new Public Works Pole Building is underway. It is a six-bay garage with an office building in the front. The Public Works Department has also been reading and repairing water meters and cleaning out catch basins.

E. Recreation – R. Duncan

Councilman Duncan stated that the Parks and Recreation Area is over on Park Street. Currently, there are pickleball courts and a softball field. They hope to have proper signage soon and are

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continuing to work with Mountaire and Contractors for a Cause on future plans for the area such as a pavilion and playground equipment.

F. Sewer Report – F. Smith

See report for the month of January. Councilman Smith reported that the plant had an average daily flow of 1,063,000 gallons with a peak flow of 1,288,000 gallons. The plant performed within all permit parameters for the month. Councilman Smith stated that there were two TKN pounds per day violations in the month of December; once on December 21st and the other on December 23rd. Councilman Smith recommended that Mountaire be assessed \$1,000 Administrative Penalties for each violation to total \$2,000. Councilman Tingle made a motion that Mountaire be assessed \$1,000 Administrative Penalties for each TKN pounds per day violation in the month of December to total \$2,000. Councilman Smith seconded the motion and carried by all. Additionally, Councilman Smith stated that per Mountaire's permit plan when a violation occurs they need to submit a letter to the Town's Wastewater Plant Supervisor within five days stating what they will do to fix and prevent the violations. The Town's Wastewater Plant Supervisor has received the letter and was satisfied with it.

G. Planning & Zoning – R. Duncan

No report for the month of January.

H. Industrial Park Report – C. Tingle

No report for the month of January.

I. Annexation Report – C. Tingle

No report for the month of January.

J. Administration Report – S. Long

Stacey reported that there is an Invitation to Bid Notice out for a new HVAC system for the Town Hall and Police Department. Sealed bids are due by Friday, February 24, 2023, at 2:00 P.M. and will then be opened. They will be forwarded to the Mayor and Council at the March Town Council Meeting.

Stacey reported that anyone wishing to file as a candidate for the Annual Election for the Town of Selbyville must file a written Notice of Candidacy in the Town Hall no later than 4:30 p.m. on Friday, February 10, 2023. Forms will be provided to interested parties at the Town Hall. Additionally, if a qualified voter is not registered with the Town, such voter may register at the Town Hall no later than Friday, February 10, 2023, at 4:30 p.m. Additional election and candidacy information may be found on the Town's website at selbyville.delaware.gov.

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Stacey stated that the next item on the agenda was the consideration of a donation request from the Selbyville Community Club for the Youth Art Show. Each year they request a financial donation from the Town to help with prizes and awards. The award show will be held March 25, 2023, at 2:15 P.M. at the Selbyville Public Library. The Mayor and Council agreed that it is a great program. Councilman Duncan encouraged the community to attend the Youth Art Show. Councilmembers inquired about the approximate cost associated with the Youth Art Show. Diane Schmidt of the Selbyville Community Club stated that it is typically a few thousand dollars between supplies needed for setting up the displays, a program that needs to be printed, and providing prizes and awards. An attendee stated that she believes the donation is well deserved as it encourages the children to keep making art. Councilwoman Cary made a motion to donate \$1,000 to the Selbyville Community Club for the Youth Art Show. Motion seconded by Councilman Duncan and carried by all.

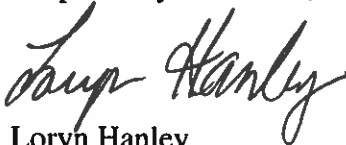
The next item on the agenda was a consideration of a donation request from the Lower Sussex Little League. They are a non-profit organization that is based out of Roxana. Lower Sussex Little League is requesting an annual donation from the surrounding towns, that their participants live in, to help with operating and maintenance costs. As a thank you, they will display the town's name on a sponsor banner that is displayed on one of the seen fields. Councilman Tingle made a motion that they table the consideration of a donation request from the Lower Sussex Little League. Motion seconded by Councilman Duncan and carried by all.

Stacey concluded her report with a reminder that the March Town Council Meeting has been moved to Monday, March 13, 2023, at 7:00 P. M.

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

Loryn Hanley

From: bitontola@aol.com
Sent: Monday, February 6, 2023 4:14 PM
To: Loryn Hanley
Cc: sstrout@verizon.net
Subject: Rezoning of the Long Family of Sussex County LLC property

Dear Sir,

I am one of owners of the adjacent properties Parcel # 533-16.00-34.00 which fronts on Rt. 113. After reviewing the proposed rezoning proposal with my partner we would to state that we are in favor of this rezoning and we hope the town vote to approve this rezoning.

Louis A. Di Bitonto

Craig Mullins

37050 Dupont Blvd

Selbyville, DE 19975

January 31, 2023

The Town of Selbyville,

Please accept this letter of concern regarding the potential residential planned community that is zoned behind the business of Genes Auto Sales. Genes Auto Sales has been a family owned and operated business since the 1980's. As a business owner I have several validated concerns such as the decrease in property value of Genes Auto Sales and The Speed Shop. I also have a concern of theft and crime with an increased number of occupants that will be located directly behind an established business. With the increased number of occupants will also warrant the hiring of several police officers. An additional concern will be the increased traffic and congestion for the area. What is the current plan for the above concerns? With the proposal what will be the time frame if passed by The Town of Selbyville? I will be present at the town meeting 2/6/2023. If you have any further questions please contact me at 302-245-7998.

Thank you,

Craig Mullins