

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING MARCH 13, 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.

Mayor Murray, Councilman Smith, and Councilman Tingle took a moment to thank the residents of the Town of Selbyville for their support over the past thirty years; and reflected on the growth and many changes over the years. Mayor Murray stated that he appreciated the opportunity to serve the Town of Selbyville.

1. Opening of Meeting –
 - A. Mayor Murray led in the Pledge of Allegiance.
 - B. Reading of the Certificate of Election by Administrative Assistant Loryn Hanley.
 - C. Swearing in of Mayor Richard A Duncan, Sr. by Town Manager Stacey Long.
 - D. Swearing in of Councilman Chris S. Snader, Sr. and Councilman Gary L. Steffen by Town Manager Stacey Long.

After the newly elected council was sworn in, Mayor Duncan presented Mayor Murray, Councilman Smith, and Councilman Tingle each with a plaque as a token of appreciation for their many years of dedicated service to the Town of Selbyville.

Additionally, Mayor Duncan thanked the residents of the Town of Selbyville for their support throughout the years from his time as Chief of the Selbyville Volunteer Fire Department to his time on Town Council as a Councilman and now Mayor. Mayor Duncan also welcomed Councilman Snader and Councilman Steffen. He stated he is looking forward to the future.

- E. Public Hearing –

Mayor Duncan opened the Public Hearing:

**ANNEXING CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT
LIMITS OF THE TOWN OF SELBYVILLE, OWNED BY ISAAH C.
MUMFORD FAMILY LIMITED PARTNERSHIP, IDENTIFIED AS SUSSEX
COUNTY TAX MAP AND PARCEL NO. 533-16.00-39.00, CONTAINING 1.73
ACRES, MORE OR LESS;
AND
AN ORDINANCE AMENDING THE ZONING MAP AND ZONING
ORDINANCE OF THE TOWN OF SELBYVILLE TO INCLUDE SAID**

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TERRITORY IN THE GC GENERAL COMMERCIAL DISTRICT.

Alan Decktor, representing Zig MCM Selbyville LLC, stated that this property is on the southbound side of Route 113, north of Cemetery Road, between Mumford Sheet Metal Works and X Squad Dancers. It is currently zoned General Commercial (C1) with Sussex County. They plan to ask to be zoned General Commercial (GC) when annexing into the Town of Selbyville as it would be consistent with the Future Land Use Map. The property is located within the Town's growth area in the Comprehensive Land Use Plan and will clean up the Town's boundary in that area. Additionally, they need to annex into town limits in order to connect to the Town's water and sewer lines. Mr. Decktor submitted a letter of no objection regarding an entrance/exit on the property to the Mayor and Council. He also stated that preliminary plans have been submitted to the Town for initial review.

Mayor Duncan invited public comment. Being that there were no public comments, Councilman Steffen made a motion to close the Public Hearing. The motion was seconded by Councilwoman Cary and carried by all.

F. AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE PLAN FOR THE TOWN OF SELBYVILLE BY AMENDING MAP 8, AREAS OF POTENTIAL ANNEXATION, TO REDESIGNATE THE FUTURE LAND USE OF TAX MAP AND PARCEL NO. 533-16.00-39.00 AS COMMERCIAL FROM RESIDENTIAL.

Mayor Ducan read the Ordinance into the Minutes by title only. Stacey explained that the Comprehensive Land Use Plan has maps that identify areas of potential annexation which includes this parcel. There was a possible oversight with the Comprehensive Land Use Plan as it stated this parcel is to be annexed as Residential when it should be Commercial as it is on Route 113. Stacey stated she had a meeting with the Office of State Planning Preliminary Land Use Service (PLUS), and they have approved this parcel to be designated as Commercial. Once this Ordinance has been passed, this parcel can be annexed into town limits. Councilwoman Cary made a motion to adopt this Ordinance as presented. Motion seconded by Councilman Steffen and carried by all.

**G. ANNEXING CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT LIMITS OF THE TOWN OF SELBYVILLE, OWNED BY ISAIAH C. MUMFORD FAMILY LIMITED PARTNERSHIP, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-16.00-39.00, CONTAINING 1.73 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 GC GENERAL COMMERCIAL DISTRICT.
AN ORDINANCE AMENDING THE ZONING MAP AND ZONING**

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**ORDINANCE OF THE TOWN OF SELBYVILLE TO INCLUDE SAID
TERRITORY IN THE GC GENERAL COMMERCIAL DISTRICT.**

Mayor Duncan read the Ordinance into the Minutes by title only. Councilwoman Cary made a motion to annex Tax Map and Parcel No. 533-16.00-39.00 into town and to adopt this Ordinance as presented. Motion seconded by Councilman Snader and carried by all.

H. Organization Meeting:

1.a. Motion by Councilman Steffen to rehire Deborah L. McCabe as Secretary/Treasurer. Motion seconded by Councilwoman Cary and carried by all.

1.b. Motion by Councilwoman Cary to rehire Sandra H. Givans as Assistant Secretary/Treasurer. Motion seconded by Councilman Steffen and carried by all.

I. Motion made by Councilwoman Cary to reappoint Brian Wilson as the Chief of Police. Motion seconded by Councilman Snader and carried by all.

J. Presentation of the Minutes of the February 6, 2023 meeting by Mayor Duncan. Councilwoman Cary made a motion to dispense with the reading of the Minutes and to approve them as presented. Motion seconded by Councilman Steffen and carried by all.

K. Presentation of the February 28, 2023 bills by Mayor Duncan. Councilman Steffen made a motion to pay all bills as presented. Motion seconded by Councilwoman Cary and carried by all.

2. Mayor's Report & Comments:

Mayor Duncan took the time to thank the residents of the Town of Selbyville again. He stated that he is looking forward to serving the Town.

A. Appointment of Department Commissioners:

- (1) Water & Public Works: Councilman Gary Steffen
- (2) Parks & Recreation: Councilman Gary Steffen
- (3) Wastewater: Councilman Chris Snader
- (4) Police: To be appointed at the April Town Council Meeting
- (5) Administration: Councilwoman Carol Cary

**B. RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON
APRIL 3, 2023, AT 7:00 P.M., AT THE TOWN HALL, 1 W. CHURCH
STREET, SELBYVILLE, SUSSEX COUNTY, DELAWARE, TO CONSIDER**

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**THE REZONING OF REAL PROPERTY OWNED BY LEIMBACH
INVESTMENTS, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND
PARCEL NUMBER 533-16.12-35.01 FROM R-2 RESIDENTIAL TO HB
HISTORIC BUSINESS.**

Mayor Duncan read the Resolution by title only. Stacey stated that this property is located directly behind the business Matt the Carpet Guy. Councilwoman Cary made a motion to hold a Public Hearing on April 3, 2023, as presented. Motion seconded by Councilman Steffen and carried by all.

C. Appointment of Board of Adjustment Members for a term of three years expiring March 13, 2026:

- (1) Mayor: Mayor Richard Duncan
- (2) Council Member: Councilman Chris Snader
- (3) Town Solicitor: Mary Schrider-Fox, Esq.

D. Appointment of Planning & Zoning Commissioners

- (1) 3-year term, expiring March 13, 2026: Jay Murray, Chairman
- (2) 3-year term, expiring March 13, 2026: Councilman Chris Snader
- (3) 2-year term, expiring March 13, 2025: Mike West
- (4) 2-year term, expiring March 13, 2025: Kenneth Madara
- (5) 1-year term, expiring March 13, 2024: Mike Doyle

3. Visitors in Attendance:

Susan Kirsch, President of the Board of Commissioners of the Selbyville Public Library, welcomed the new Mayor and Council on behalf of Kelly Kline and the Board of Commissioners and invited them to make an appointment to see the plans for the new library. Additionally, they are having a "Dine to Donate" event at the Texas Roadhouse in Millsboro on March 20, 2023, from 4:00 P.M. to 10:00 P.M. to benefit the Selbyville Public Library.

Jay Griffith of Mountaire Farms reported they had done fifty-four odor checks since the last town meeting and identified sixteen instances of odor. He stated they have increased the odor checks from two per day to now four per day at 9:00 A.M., 11:00 A.M., 1:00 P.M., and 3:00 P.M. They have brought in a contractor to work on the deodorizer system.

Zach Evans, Community Relations Manager of Mountaire Farms, informed the town that Mountaire will be hosting the Easter for Thousands event on Wednesday, April 5, 2023. It starts at 8:00 A.M. They will be packing 5,000 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.

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Zach Evans, who is also President of the Bethany-Fenwick Area Chamber of Commerce, introduced the Member Relations Manager, Emily Gaither. Emily stated the 66th Annual Old Timer's Day event will be held on Saturday, June 17, 2023, from 10:00 A.M. to 3:00 P.M. She stated they are looking forward to bringing back the farmers market, kid's activities, car show, and more. It is a free event with sponsorship and vendor opportunities available. More information can be found at: oldtimersdayde.com. Mayor Duncan stated he is looking forward to working with the Bethany-Fenwick Area Chamber of Commerce.

Diane Schmidt of the Selbyville Community Club invited the Mayor and Council to attend the Youth Art Show at the Selbyville Public Library and give out the prizes at the award ceremony on Saturday, March 25, 2023, at 2:00 P.M. She also invited the community to attend the Youth Art Show.

4. Reports

A. Police Report – Chief Wilson

Chief Wilson reported there were 314 calls for service, 88 tickets issued, and 14 criminal arrests for the month of February. The National Prescription Drug Take Back Day is Saturday, April 22, 2023. The Selbyville Police Department will be hosting a collection site on Saturday, April 22, 2023, from 10:00 A.M. to 2:00 P.M. There is a medication disposal box available at Town Hall during normal business hours as well.

B. Code Enforcement – S. Long

See report for the month of February.

C. Water – G. Steffen

See report for the month of February. Councilman Steffen reported for the month of February the water plant produced 3.445 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.

Mayor Duncan reported that they are in the process of getting permits to clear a wooded area on Hudson Road for the 1 million gallon water tower. They are also in the process of looking into the possibility of constructing a new water treatment plant outside of town. Mayor Duncan stated that hydrant flushing, a twice-annual process that helps to keep the water clean, fresh, and safe, will take place the week of March 27, 2023. Residents and businesses are advised to check for discolored water, especially in their washing machines.

D. Public Works – G. Steffen

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No report for the month of February.

E. Recreation – G. Steffen

No report for the month of February.

F. Sewer Report – C. Snader

See report for the month of February. Councilman Snader reported that the plant performed within all permit parameters for the month.

G. Planning & Zoning – R. Duncan

1. See Minutes of the March 7, 2023 meeting.

Mayor Duncan stated first item on the agenda for this meeting was consideration of final Site Plan with requested variance to Town Code 160-10B(13) regarding dead-end streets for Maple Crest subdivision, located on W. McCabe Street, District 5-33, Map 16.15, Parcel 120.00, owned by L&L Investments. The main reason was to provide an impartial connection to the property to the south. Should that property ever be developed, it would provide access to McCabe Street. Additionally, this is a 24 unit subdivision and the distance doesn't warrant another cul-de-sac. The plan was reviewed by the town's engineer, and they have recommended approval of the variance. It is the recommendation of the Planning and Zoning Commission that the Mayor and Council approve this request. Councilwoman Cary made a motion to accept the final Site Plan with a requested variance to Town Code 160-10B(13) regarding dead-end streets for Maple Crest subdivision as presented. Motion seconded by Councilman Steffen and carried by all.

Mayor Duncan stated the second item on the agenda was review of Conceptual Plans for a mixed-use building located on the S/W corner of Bethany Road and S. Williams Street, District 5-33, Map 16.16, Parcels 170.00 and 172.00, owned by McClanahan Building Company, LLC. Mr. McClanahan first met with the commission in October 2022 regarding conceptual plans for a 22 unit mixed-use building. At that time, the commission expressed an interest in the concept but advised Mr. McClanahan to scale back the size of the building and to explore parking options. They have scaled the mixed-used building back to 10 units and 3 stories tall. Councilwoman Cary inquired about the bar and outdoor seating area as shown on the plans. Mr. McClanahan stated that it is a conceptual plan, however, they have reached out to some restaurants to see if they would be interested in embracing this concept in Selbyville and they have shown interest. Mr. McClanahan believes it would evolve through the process and if it continues to be embraced then it would evolve further. Councilwoman Cary asked what the plan would be if it was not. Mr. McClanahan stated that he will need to do a performance study to confirm the investment is worth the construction. He stated that they would need the revenue from the restaurant to make the project work, so it is to be determined. Councilman Snader asked if the only entrance and exit for the property would be S. Williams Street to which Mr.

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McClanahan stated is correct. Mayor Duncan stated that this is in a very early stage as there is not a mixed-use zoning ordinance, so the Council and Planning and Zoning Commission will need to discuss and create it. Councilwoman Cary and Councilman Steffen stated they would be interested in it. Councilman Snader expressed concerns regarding the area becoming congested. An attendee expressed concerns about it being a 3 story building in a mostly residential area. Mr. McClanahan stated that it is within the height restrictions of the Historic District. Another attendee inquired about a buffer zone. Mayor Duncan stated that there will be a buffer zone. Stacey stated that would be looked at while creating the mixed-use zoning district. Mayor Duncan encouraged residents to attend the Planning and Zoning Commission meetings if/when this is on the agenda. The Council agreed to move forward with the consideration of creating the mixed-use zoning district.

H. Industrial Park Report – S. Long

No report for the month of February.

I. Annexation Report – S. Long

No report for the month of February. Stacey stated that an application has been submitted for a 2.33 acre parcel across from Lighthouse Crossing.

J. Administration Report – S. Long

Stacey stated that the first item on the agenda is a Memorandum of Understanding between the Town and Mountaire Farms for the installation of a manhole with grinder equipment on a Town-owned sewer line. It has been reviewed by the Town Engineer, Town Solicitor, Town Manager, and Mountaire Farms, and all parties have agreed on the final draft of the Memorandum of Understanding. Jason Loar, Town Engineer, stated that there has been issues at the Church Street pump station related to masks and rags that have been linked to Mountaire. Mountaire has taken the initiative at their cost to install a macerator pump which chews the masks up to prevent them from clogging the pumps at the pump station. This Memorandum of Understanding gives Mountaire permission to install the macerator pump on the Town-owned sewer line and states that they are responsible for any and all costs and maintenance associated with this project. Councilwoman Cary made a motion to accept the Memorandum of Understanding between the Town and Mountaire Farms for the installation of a manhole with grinder equipment on a Town-owned sewer line as presented. Motion seconded by Councilman Snader and carried by all.

Stacey stated the next item on the agenda is the consideration of the HVAC System Replacement Bid. She stated that there have been several major problems with the current HVAC system. There was an Invitation to Bid Notice out for a new HVAC system for the Town Hall and Police Department. It ran in the newspaper for four weeks to competitively bid it out as the charter requires. Sealed bids were due by Friday, February 24, 2023, at 2:00 P.M. and were then opened. No public was in attendance for the sealed bid opening. Only one company, Blades

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HVAC, submitted a sealed bid for \$297,000 which includes a minimum of one unit per room, a crane to take the large unit on the roof of the Town Hall and Police Department building off, repairs for the roof where the current large unit is, and an electrician for all of the electrical work that is involved. Councilman Steffen made a motion to accept Blades HVAC bid as presented. Motion seconded by Councilwoman Cary and carried by all.

Stacey stated that the final item on the agenda is the consideration of bids for a 24' X 24' pavilion at the Town Park. Stacey stated that she applied for a grant which was approved by the State of Delaware Division of Parks and Recreation. It is typically a 50-50 matching grant, 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. The State of Delaware required that the pavilion be put out to bid.

There were four bids submitted:

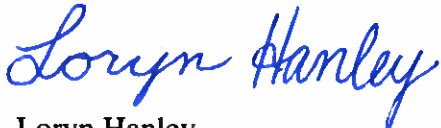
- (1) Country Builders, Inc. - \$18,900
- (2) Cunningham Recreation - \$47,135
- (3) Pole Building Unlimited - \$18,757
- (4) Fetterville Sales - \$24,976

Stacey stated that we are currently working with Country Builders, Inc. for the new Public Works Pole Building and they have been great to work with. Councilman Steffen made a motion to accept Country Builders, Inc. bid as presented. Motion seconded by Councilman Snader and carried by all.

There being no further business to discuss Councilwoman Cary made a motion to adjourn the meeting. Motion seconded by Councilman Steffen and carried by all.

Mayor Duncan adjourned the meeting and thanked everyone for attending.

Respectfully submitted,



Loryn Hanley
Administrative Assistant