

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING APRIL 3, 2023**

Mayor Duncan welcomed everyone and called the meeting to order at 7 o'clock p.m. Also in attendance were Councilmembers Carol Cary, Chris Snader, and Gary Steffen.

The meeting was properly posted.

1. Opening of Meeting –

- A. Mayor Duncan led in the Pledge of Allegiance.
- B. Mayor Duncan appointed Monroe B. Hudson, Jr. as Councilmember to fulfill the vacancy from him being elected Mayor. Councilwoman Cary made a motion to appoint Monroe B. Hudson, Jr. as Councilmember to fulfill the vacancy. Motion seconded by Councilman Steffen and carried by all.
- C. Swearing in of Councilman Monroe B. Hudson, Jr. by Town Manager Stacey Long.
- D. Presentation of the Minutes of the March 13, 2023 meeting by Mayor Duncan. Councilman Steffen made a motion to dispense with the reading of the Minutes and to approve them as presented. Motion seconded by Councilwoman Cary and carried by all.
- E. Presentation of the March 31, 2023 bills by Mayor Duncan. Councilwoman Cary made a motion to pay all bills as presented. Motion seconded by Councilman Steffen and carried by all.

2. Public Hearing –

Mayor Duncan opened the Public Hearing:

**TO CONSIDER 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 invited Matthew Leimbach of Leimbach Investments, LLC to speak. Mr. Leimbach introduced himself and stated that he is the owner of Matt The Carpet Guy and That Cabinet Store located at 50 S. Main Street in Selbyville. Additionally, he stated he owns 48 N. Main Street which is currently a church as well as 46 N. Main Street which is currently a salon. Mr. Leimbach stated he is requesting to rezone Tax Map and Parcel Number 533-16.12-35.01 from R-2 Residential to Historic Business to align with the 2020 Comprehensive Land Use Plan that the Town adopted. This parcel is landlocked and can only be accessed from his business property.

Mayor Duncan invited the public to comment. Steffanie Dolle, a resident of an adjacent property,

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expressed that she is not in favor of the rezoning. She referenced a letter she submitted to the Mayor and Council before the Public Hearing. **A copy of the letter submitted by Ms. Dolle is included with the Minutes.** She stated trash blows into her yard from the business, their lights shine into her home, and she is concerned about their cameras possibly facing her property. It was previously requested that the business put up a fence to reduce the amount of trash that blows into their yard. Mr. Leimbach did install a fence, however, it does not enclose the entire property, so there is still an issue with trash according to Ms. Dolle. Additionally, Ms. Dolle criticized the noise associated with the dumpsters early in the morning as well as the noise from the tractor-trailer trucks.

Scott Barger, a resident of another adjacent property, said he is not in favor of the rezoning either. Mr. Barger stated he has been woken up at 6:00 A.M. due to the noise associated with the dumpsters and agreed that the lights need to be dimmed. Mr. Leimbach stated that this was the first time he had heard about Ms. Dolle and Mr. Barger's concerns and that if he was made aware of the issues, he would work with his neighbors to solve them. Ms. Dolle said she has come to Town Hall about the trash issue, which Stacey acknowledged that previous complaints have been addressed by Code Enforcement. After a lengthy discussion, Mr. Leimbach stated he will request the dumpsters be emptied later in the morning, look into shields for the lights, and would like to communicate better with his neighboring residents to resolve concerns.

Mayor Duncan inquired about his intentions with the property if it is rezoned. Mr. Leimbach stated he would like to expand his business and put in an additional warehouse in order to keep more stock on hand and bring more business to Selbyville. Mayor Duncan stated that this will need to go before the Planning and Zoning Commission and encouraged the adjacent property owners to attend the Planning and Zoning Meetings. Stacey reminded the Mayor and Council that this rezoning request had gone before the Planning and Zoning Commission previously but was put on hold because it did not align with the Comprehensive Land Use Plan at the time. Stacey stated it does align with the current Comprehensive Land Use Plan, so the Mayor and Council may proceed with this request. Councilmembers agreed that the concerns should be addressed, and the rezoning can proceed as it will need to come before the Planning and Zoning Commission as well as the Mayor and Council before any building permits are issued.

Once the discussion ended, Mayor Duncan closed the Public Hearing.

**3. CONSIDERATION OF 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.**

Councilwoman Cary made a motion to rezone Tax Map and Parcel Number 533-16.12-35.01 from R-2 Residential to HB-Historic Business. The motion was seconded by Councilman Steffen and carried by all.

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4. Mayor's Report & Comments:

Mayor Duncan welcomed Councilman Hudson. Additionally, he praised the Selbyville Public Library and the Selbyville Community Club for a fantastic Youth Art Show which he attended the previous weekend. Diane Schmidt of the Selbyville Community Club thanked the Mayor for attending and said over 170 people attended the event. Mayor Duncan also reported that he met with potential leasers for what was previously known as the Georgia House Restaurant on the corner of Main Street and Church Street. They are meeting with a local contractor and would like to put in a restaurant there as well.

A. Mayor Duncan appointed Councilman Monroe Hudson to Police Commissioner.

B. Appointment of Hazard Inspection Committee Members and Chairman:

- (1) Wastewater Commissioner, Chairman
- (2) Water/ Public Works Commissioner
- (3) Chief of Police
- (4) Representative of the Selbyville Volunteer Fire Company

C. AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE PLAN FOR THE TOWN OF SELBYVILLE BY AMENDING MAP 4, FUTURE LAND USE, TO REDESIGNATE TAX MAP AND PARCEL NO. 533-16.00-32.00 AS SHOPPING, BUSINESS OR TRADE FROM RESIDENTIAL.

Mayor Ducan read the Ordinance into the Minutes by title only. At the January Town Council Meeting, Mr. Bunting requested to combine Tax Map and Parcel Number 533-16.00-32.00 with the parcel behind it to create a Residential Planned Community with Commercial on this parcel. It is located next to Gene's Auto Sales on Route 113. Stacey stated they went through the process to amend the Comprehensive Land Use Plan for this, however, after further research Mr. Bunting decided he would prefer to keep this parcel Commercial and not combine it with the parcel behind it for the Residential Planned Community. Stacey stated that there were several reasons for this with one being that they did not want to tie the commercial businesses to the HOA restrictions. This Ordinance is to reamend the Comprehensive Land Use Plan for this parcel back to what it was before the January Town Council Meeting. Stacey has gone through the Office of State Planning Preliminary Land Use Service (PLUS), and they have sent comments back stating that they have no issues with the redesignation. Councilman Steffen made a motion to adopt this Ordinance as presented. Motion seconded by Councilwoman Cary and carried by all.

D. 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 BALSAMO REAL ESTATE, LLC,

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IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-17.00-154.00, CONTAINING 2.32 ACRES, 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.

Mayor Ducan read the Resolution into the Minutes by title only. Stacey stated that this property is in front of the Lighthouse Crossing amenity area. She stated that there are a few parcels there that are not in Town limits. The property owner of Tax Map and Parcel Number 533-17.00-154.00 has requested to be annexed into the Town limits. Mayor Duncan appointed Councilwoman Cary as Chair, and Councilman Snader and Councilman Steffen as members of the Annexation Committee.

E. RESOLUTION ESTABLISHING THE ANNUAL COMPENSATION TO BE PAID TO THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE FOR FULFILLING THEIR DUTIES AND FOR ATTENDANCE AT REGULAR MEETINGS, SPECIAL MEETINGS AND WORKSHOP MEETINGS, AS AUTHORIZED BY SECTION 3.3 OF THE CHARTER OF THE TOWN OF SELBYVILLE.

Mayor Ducan read the Resolution into the Minutes by title only. Stacey explained that the current annual compensation for Mayor is \$500.00 and \$250.00 each for the rest of the Councilmembers. There has been a recent survey done by the surrounding towns City Managers Association, and in comparison to other towns, it was recommended to increase the annual compensation to \$1,200.00 for the Mayor and \$900.00 each for the rest of the Councilmembers. Councilwoman Cary made a motion to adopt this Resolution as presented. Motion seconded by Councilman Snader and carried by all.

F. RESOLUTION ESTABLISHING 6:00 P.M. AS THE TIME FOR THE REGULAR MONTHLY MEETINGS OF THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE AS AUTHORIZED BY SECTION 7.2 OF THE CHARTER OF THE TOWN OF SELBYVILLE.

Mayor Ducan read the Resolution into the Minutes by title only. Stacey stated that after polling the Mayor and Council it suits them to change the time the Town Council Meetings begin from 7:00 P.M. to 6:00 P.M. Councilman Steffen made a motion to adopt this Resolution as presented. Motion seconded by Councilwoman Cary and carried by all.

G. DISCUSSION ON DISTRICT VOTING.

Mayor Duncan stated the previous Mayor and Council had been looking into creating voting districts throughout the Town to keep equal representation as the Town grows. A bill was

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submitted to the House of Representatives. At that time, there were comments made by the American Civil Liberties Union. They recommended that the bill be pulled from the House of Representatives and examine it further. Mayor Duncan advised the Councilmembers to read through the summarization and Resolution that was passed and forward their questions and comments to Stacey. Stacey stated that district lines have not been established yet. She recommended meeting with a professional who is familiar with this to make sure that there is equal representation when establishing the district lines.

5. Visitors in Attendance:

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 pack 5,000 food boxes and distribute them to families in need for the Easter holiday. They are anticipating approximately 200 volunteers for the event. Mr. Evans invited the Mayor and Council to attend and participate in the event as well. He referenced the beautification project that Sullivan's Landscaping will be starting downtown. Mr. Evans stated that Mountaire Farms would like to donate 50% of the initial cost and 50% of the cost of the annual maintenance as long as there are no adjustments to the cost.

Jay Griffith of Mountaire Farms reported they had done sixty-one odor checks since the last town meeting and identified eight instances of odor. They were also informed of another instance of odor from the Mayor. He stated they are continuing to do four odor checks per day at 9:00 A.M., 11:00 A.M., 1:00 P.M., and 3:00 P.M.

Emily Gaither, Bethany-Fenwick Area Chamber of Commerce Member Relations Manager, informed the town that they will be hosting Coastal Community Clean Up event on Earth Day, Saturday, April 22, 2023, from 8:00 A.M. to 12:00 P.M. All supplies including vests, picks, and buckets will be supplied by the Chamber. Anyone interested in participating in the event is invited to register on the Chamber's website.

6. Reports

A. Police Report – Chief Wilson

Chief Wilson reported there were 351 calls for service, 121 tickets issued, 4 DUIs, and 15 criminal arrests for the month of March. He requested that the Mayor and Council consider ideas for safety enhancements or limited access for the rear parking lot. He stated there was recently an officer approached in a confrontational way back there. Vehicles have previously been damaged in the rear parking lot as well. Mayor Duncan suggested that Chief Wilson and the Public Works Department collect estimates and report back to the Council.

B. Code Enforcement – S. Long

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See report for the month of March.

C. Water – G. Steffen

See report for the month of March. Councilman Steffen reported that hydrant flushing, a twice-annual process that helps to keep the water clean, fresh, and safe, took place the week of March 27, 2023. There were no issues reported. Councilman Steffen also reported that the water plant produced 4,594,772 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 invited Jason Loar, Town Engineer, to give an update on the 1 million gallon water tower project on Hudson Road. Jason stated that they are working with the Soil Conservation District to get permits to properly clear a wooded area, so they can complete their geotechnical investigation for the design of the foundation. Once that is complete, they will put together the final bid package for the elevated water storage tank and it will be put out to bid. With Council approval, Jason stated he would like to contact the State of Delaware to inquire about purchasing the water storage tank ahead of time to be more cost-effective and expedite the project.

Mayor Duncan also invited Jason to give an update on the backwash recovery system project. Jason stated they are looking into cost-effective ways to put tanks behind the new water treatment facility to accept the backwash and slowly decant it back into the sanitary sewer.

D. Public Works – G. Steffen

Councilman Steffen reported that grass-cutting has started. They are also spraying along the roadways and ditches with weed killer. Additionally, the Public Works Department cut the grass in the median along Route 113 as the Department of Corrections is not able to at this time. It took them approximately 3 hours to complete. They picked up a lot of garbage along the median as well. Councilman Steffen stated that if the Town decides to continue to mow the median, the Public Works Supervisor has suggested they purchase a new lawn mower. He has collected two bids from Baker's Hardware: \$15,461 for a lawn mower with a 70-inch mower deck and \$15,295 for a lawn mower with a 60-inch mower deck.

Councilman Steffen acknowledge that this was not listed in the budget. Stacey stated it cost \$5,440 in 2022 for the Department of Corrections to cut the grass every two weeks from April through October. Stacey stated that approximately \$6,000 would have been budgeted for this year. Councilman Hudson suggested collecting three bids from landscaping companies and table the decision until the May Town Council Meeting.

E. Recreation – G. Steffen

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Councilman Steffen stated they are painting the buildings at the town park. He stated they are also waiting on signage which should be ready and installed this week. Mayor Duncan stated that the pickleball courts are ready and encouraged residents to use them.

F. Sewer Report – C. Snader

See report for the month of March. Councilman Snader reported that the plant performed within all permit parameters for the month. Jason stated they were just informed that some equipment is in need of over \$30,000 in repairs. He stated the invoice for the repairs also states that the Town will need to supply an electrician and a forklift. Councilman Snader and Jason will report back with more information at the May Town Council Meeting.

G. Planning & Zoning – C. Snader

No report for the month of March. A Planning and Zoning Commission Meeting is scheduled for April 11, 2023, at 4:00 P.M.

H. Industrial Park Report – S. Long

No report for the month of March.

I. Annexation Report – S. Long

No report for the month of March.

J. Administration Report – S. Long

Stacey reported that we have two new businesses coming to town: Phoenix Physical Therapy and Fuenellies. Phoenix Physical Therapy is located at 14 W. Church Street. Fuenellies, a retail liquidation shop, is located at 5 W. Church Street in Unit #203. Both businesses are open.

Stacey also reported that the Selbyville Railroad Museum is now open the third Saturday of every month from April 2023 to October 2023 from 10:00 A.M. to 2:00 P.M. She complimented resident Mike West, Museum Director, on the phenomenal job he has done there and encouraged everyone to check it out.

The final item on agenda is the Fiscal Year 2024 Budget. Stacey explained that there is a fee increase each year from the trash and recycle contractors, Republic Services, so the Town's fees will need to increase as well. Trash and recycle fees will increase by 5%. She reported that water and sewer rates will increase by 4%. Stacey stated there has also been discussions regarding business licensing. Currently, the Town has a Business Resident License fee of \$75 per year for businesses located within the Town limits. At this time, outside contractors are not required or charged a fee to obtain a Business License, unlike a majority of Delaware municipalities. Stacey

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encouraged the Mayor and Council to consider establishing that to help control who is doing business in the Town limits. She also surveyed surrounding towns and found that each of their annual license fees average approximately \$150 per year.

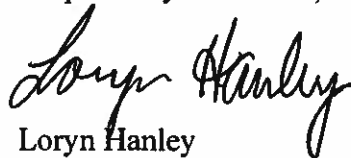
Additionally, it has been proposed to increase the water and wastewater impact fees from \$3,250 to \$3,500 per EDU each. Currently, the Town receives 1.25% of the cost of construction for building permit fees, which she is proposing an increase to 1.5% of the cost of construction. With the 1.25%, the Town pays an outside contractor to perform the plan reviews and inspections and pays out a percentage to the Selbyville Public Library and Selbyville Volunteer Fire Company. Stacey explained that surrounding towns add an additional impact fee on new construction for the impact on emergency services such as the police department, fire department, and in some cases the library and suggested the Mayor and Council consider doing the same. She recommended the Mayor and Council set up a fee workshop to look at the Town's fees and compare them to surrounding towns. Stacey stated that the Town will soon need a full-time Building Inspector as well.

In conclusion, Stacey reported that the Town is in the process of two large projects: upgrading the Wastewater Plant and the new Public Works building. She explained that money was set aside last year for the projects, however, some is being carried over into this year which makes it look like the expenses and income have increased by approximately \$2,000,000. She stated that it should decrease next year as long as the projects are completed. Stacey reported that the total projected income is \$9,678,941 and the total projected expenses are \$9,647,894 with a surplus of \$31,047 for the Fiscal Year 2024 Budget. Councilwoman Cary made a motion to adopt the Fiscal Year 2024 Budget as presented. Motion seconded by Councilman Snader. The motion passed 4-1 with Councilman Steffen in opposition.

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

Stacey Long

From: Steffanie Dolle <steffdolle@gmail.com>
Sent: Sunday, April 2, 2023 9:48 AM
To: Stacey Long
Subject: Rezoning of residential to historic business hearing

To Whom it May Concern:

I am Steffanie Dolle, granddaughter of the late Richard and Dorothy Bowman, both were active members of this town for over 40 years. My father currently owns this property and I have been residing at 36387 Pepper Road for the last 4 years. My driveway access runs alongside of plot 35 & 35.01 (per map) and my residence begins adjacent to 35.01.

In the almost 50 years that my family has owned this property, we have had such respect and appreciation for this town, our neighbors and farmland surrounding us. We have been nestled in and have truly loved our piece of heaven.

Since the property in question was purchased, and the large wooded area located on the residential area was cut down, we have had to get accustomed to street noise, factory noise, business noise and natural changes to our property.

It was noted that when the trees were cut down, our property began to hold more water than it ever had near the driveway and front yard after it rains. In all the years, drainage has never been a problem for us. In addition to the development of drainage concerns, we have

experienced an increase in wind, which soon after the removal of the trees on 35.01 took down a large pine tree on my driveway line falling towards my home.

After the purchase of said property, it took many years to get the privacy fence to be placed and does not appear to be finished in the back closest to my property. Many complaints have been taken to town hall in regards to blowing trash. The high winds that come and pick up the trash out of the business dumpsters are carried into my property and to the property in front of mine. These dumpsters always appear full. This property is very busy with early a.m. deliveries by tractor trailers and dumpster drop off and deliveries. This business has very large bright lights surrounding the backside of the business. The potential of having all of these business management happenings closest to my property is not my preference. I can only imagine that the business would move all of the dumpsters and trash to the back of this property closest to my property; which means I would have to be subject to bright lights shining into my residence at night, loud tractor trailers and dumpsters in the early hours of the morning. Not to mention, the potential for dumpster rodents.

What are the rules of having a business next to a residential property? What are the consequences of the business when they become lax and do not follow the laws?

I have concerns about this as it took many years to have the fence placed and the fact that it is not completed.

My ultimate preference would be to have the wooden area returned but we cannot return to the past. I know that I am only one person and one voice rarely gets heard. If this proposal of changing the zoning to business gets accepted, as a property owner in Selbville, I would hope that the surrounding residents get to have their voices heard when the business is not following the laws and certain actions could be added to the proposal: no bright lights in the back, no business cameras pointing on residential property, fencing complete and maintained, tree line added to assist with water run off.

Any questions, please contact me at 410 924 2265.

Thank you.

Steffanie Dolle