

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING MAY 1, 2023**

Mayor Duncan welcomed everyone and called the meeting to order at 6 o'clock p.m. Also in attendance were Councilmembers Carol Cary, Monroe Hudson, Chris Snader, and Gary Steffen.

The meeting was properly posted.

1. Opening of Meeting –

- A. Mayor Duncan led in the Pledge of Allegiance.
- B. Presentation of the Minutes of the April 3, 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.
- C. Presentation of the April 30, 2023 bills by Mayor Duncan. Councilman Snader made a motion to pay all bills as presented. Motion seconded by Councilman Hudson and carried by all.

2. Mayor's Report & Comments:

Mayor Duncan reported that he was able to attend several social events and meet with the Selbyville Historical Society since the previous Town Council Meeting.

- A. **RESOLUTION TO AMEND THE CHARTER OF THE TOWN OF SELBYVILLE, CHAPTER 2, VOLUME 73, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE", SECTION 4, ENUMERATION OF POWERS, TO AUTHORIZE THE ESTABLISHMENT OF ADDITIONAL IMPACT FEES RELATING TO THE COSTS OF OPERATIONS OF VOLUNTEER FIRE COMPANIES, AMBULANCE/PARAMEDIC COMPANIES, PUBLIC LIBRARIES, AND POLICE DEPARTMENTS PROVIDING SERVICES WITHIN THE TOWN.**

Mayor Duncan read the Resolution into the Minutes by title only. Mayor Duncan stated this is to allow the Town to impose impact fees for the fire and ambulance services, police protection, and the library. Currently, impact fees are only charged for water and sewer, however, that is limited to recurring the cost of installing, enlarging, improving, and expanding the public and municipal improvements which have a rational nexus to such new construction. Mayor Duncan stated that the Charter change will allow impact fees to be charged for the cost of operations and continue to be charged for the water and sewer as well. Councilwoman Cary made a motion to adopt this Resolution as presented. Motion seconded by Councilman Steffen and carried by all.

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**B. AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF SELBYVILLE BY AMENDING § 73-1, 73-3, AND 73-9 TO REQUIRE A TOWN BUSINESS LICENSE AND THE PAYMENT OF A BUSINESS LICENSE FEE FOR ANY PERSON ENGAGED, FOR PROFIT, IN SELLING ANY AND ALL MERCHANDISE AND/OR GIVEN COMMODITIES AND/OR IN PROVIDING FACILITIES, SERVICES, RENTAL UNITS AND/OR FOOD SERVICE WITHIN THE TOWN LIMITS, WHETHER OR NOT SUCH PERSON HAS AN ESTABLISHMENT LOCATED WITHIN TOWN LIMITS.**

Mayor Ducan read the Ordinance into the Minutes by title only. Currently, there is only a business license fee for businesses located within Town limits. There is also a rental license fee for those who rent out properties within Town limits. The Town Administrator stated that the Town does not currently have an outside contractor business license fee for contractors located outside of Town that provide services in Town, such as plumbing, landscaping, etc. She stated that most towns in Delaware require outside contractors to get a business license, and this Ordinance would allow the Town of Selbyville to do so as well. Councilman Steffen made a motion to adopt this Ordinance as presented. Motion seconded by Councilman Snader and carried by all.

The Town Administrator stated that since the Ordinance has been adopted, the Mayor and Council can set the fee. The current fee is \$75.00 annually for Business and Rental Licenses in Town. She stated the average fee for Business and Rental Licenses in surrounding towns is approximately \$100.00 to \$175.00 annually. After further discussion, Councilman Steffen made a motion to adopt a \$125.00 annual license fee for Resident Merchant Business Licenses, Rental Licenses, and Outside Contractor Business Licenses. Motion seconded by Councilman Snader and carried by all.

3. Visitors in Attendance:

Paul Kerstanski, a resident and member of the Homeowners Association (HOA) at Saltwater Landing, expressed concerns regarding building permits, contractors, and commercial vehicles in the development. The Town Administrator stated they will set up a meeting to discuss this further.

An attendee who resides on Bethany Road expressed concerns regarding speeding and requested that the Town look into installing automated speeding cameras on Bethany Road. She stated there is a proposed bill that would allow Delaware municipalities to obtain automated speeding cameras in residential areas that have documented at least 85% of vehicles exceeding the posted speed limit by at least 5 mph. Councilman Hudson stated the proposed legislation for the automated speeding cameras just passed through the committees. It will be moving to the House

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of Representatives next. He requested Chief Wilson have officers monitor speed on Bethany Road and put the speed trailer on Bethany Road in the meantime.

Jay Griffith of Mountaire Farms reported they had done seventy-one odor checks since the last town meeting. No odor was detected for 83% of the checks. Mr. Griffith thanked those who participated in their Easter for Thousands event. They were able to pack 5,000 food boxes which provided 20,000 meals. Additionally, he announced that the countertops and cabinets have been installed in the bathrooms and storage buildings at the Town Park. Mountaire Farms looks forward to assisting with future plans for the Town Park. Mr. Griffith also expressed that the Coastal Community Clean Up that took place on Earth Day was a success. The Bethany-Fenwick Area Chamber of Commerce is looking forward to expanding it next year. He concluded by stating that Mountaire Farms has partnered with Sullivan's Landscaping for the downtown beautification project.

Scott Collins of the newly formed Selbyville Historical Society stated they hope to preserve and promote the history of Selbyville. He stated they are offering 100 founding memberships for \$100 and additional memberships for \$10. Mr. Collins stated they would like to acquire the John G. Townsend building to preserve and maintain it once the Selbyville Public Library moves to its new facility. They are working on creating a website that will have more information.

Charlie Hastings and former Senator George Bunting, members of the Selbyville Historical Society, gave a brief history of Mr. John G. Townsend and his impact on the community. Mr. Hastings stated the library is asking \$550,000 for the whole property. He stated the second and third floors of the building need repairs. The Selbyville Historical Society would like to make part of the building a museum on Mr. Townsend and use part as a meeting room.

4. Reports

A. Police Report – M. Hudson

Chief Wilson reported there were 297 calls for service, 79 tickets issued, and 5 criminal arrests for the month of April. He stated they have received some overtime grant funding from the Office of Highway Safety and two radar units.

Councilman Hudson took a moment to recognize Corporal John Bunting. He received the Phoenix Award at an award ceremony last month for his life-saving efforts in 2022.

B. Code Enforcement – S. Long

See report for the month of April.

C. Water – G. Steffen

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See report for the month of April. Councilman Steffen reported that the water plant produced 7,826,793 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 Steffen also reported that the submersible pump for Well CR1 is failing. They have received a quote from A.C. Schultes to replace the pump for \$16,392. Councilman Steffen made a motion to accept the quote from A.C. Schultes as presented. Motion seconded by Councilman Snader and carried by all.

**D. Public Works – G. Steffen**

Councilman Steffen reported that Delmarva Power has installed the electric in the new Public Works building. Additionally, they continue to cut the grass in the median along Route 113 weekly. Two quotes were collected from McCabe & Sons Landscaping & Lawn Care: \$21,000 to mow the median weekly and \$11,900 to mow the median bi-weekly. Two quotes were also collected from Sposato Landscaping Company: \$13,440 to mow the median weekly and \$7,560 to mow the median bi-weekly. As stated at the April Town Council Meeting, the Public Works Supervisor has suggested they purchase a new lawn mower if the Town decides to continue to mow the median. The two bids collected from Baker's Hardware for new lawn mowers are as follows: \$15,461 for a lawn mower with a 72-inch mower deck and \$15,295 for a lawn mower with a 60-inch mower deck. Councilman Steffen suggested the Town consider purchasing the lawn mower with the 72-inch mower deck. Councilmembers agreed with Councilman Steffen's suggestion as long as proper safety equipment and signage are used when mowing the median. Councilwoman Cary made a motion to accept the quote from Baker's Hardware for the 72-inch mower deck for \$15,461 as presented. Motion seconded by Councilman Steffen and carried by all.

**E. Recreation – G. Steffen**

Councilman Steffen reported the buildings at the town park have been painted. They have also placed six picnic tables at the town park for the community to use. Councilman Steffen stated that he has reached out to the advisor of the Indian River School District Pickleball Club and invited them to use our pickleball courts. Additionally, he was made aware of a Softball Club that uses the softball field weekly for batting practice.

Councilman Steffen referred to a previous lease agreement draft between the Indian River School District and the Town about a parcel owned by the school district. The parcel is located by the town park. The Town Administrator stated that the draft of the lease agreement will need to be reviewed by the Mayor and Council. If in favor of the lease agreement, they can forward it to the school district for their review. Further discussion will take place at the June Town Council Meeting.

**F. Sewer Report – C. Snader**

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See report for the month of April. Councilman Snader reported the plant had an average daily flow of 1,014,200 gallons with a peak flow of 1,137,000 gallons. The plant performed within all permit parameters for the month.

Councilman Snader stated he created a priority list of repairs that are needed with the Wastewater Supervisor and Town Engineer. The first priority is the discfilter rebuild. The Town received a quote from Veolia in the amount of \$31,836.62 for the discfilter rebuild. The second priority is pista grit repairs. K & Z Mechanical submitted a quote for the repairs in the amount of \$6,650. Breakwater submitted a quote in the amount of \$ 12,800 for the repairs as well. After reviewing the quotes, the Town Engineer recommended using K & Z Mechanical for the pista grit repairs. The third priority is the ongoing bypass valve project. This project is approximately 90% completed, but they are waiting on the system integrator. Councilman Snader made a motion to accept the quote of \$31,836.62 from Veolia for the discfilter rebuild and the quote of \$6,650 from K & Z Mechanical for the pista grit repairs as presented. Motion seconded by Councilman Steffen and carried by all. Councilman Snader stated he and the Town Engineer will meet about the ongoing bypass valve project.

G. Planning & Zoning – C. Snader

See Minutes of the April 11, 2023 meeting.

Councilman Snader stated the first item on the agenda was the consideration of Preliminary Plan Approval for Advanced Auto Parts store located on South Route 113, Dupont Blvd., District 5-33 Map 16.00 Parcel 39.00. Alan Decktor of Pennoni Associates was in attendance representing Zig MCM Selbyville LLC, owners of the property. He stated that the 1.73 acre property, located on the southbound side of Route 113 just north of Cemetery Road, was recently annexed into town. The owners are proposing a one-story, 6,889 square foot Advanced Auto Parts store with associated parking. Mr. Decktor stated that they have obtained a Letter of No Objection from DeIDOT for a proposed entrance off of Route 113. They will be constructing a right-turn lane for the entrance. They will connect to town water and sewer services along the frontage of the property. For storm water purposes, the site would be managed by proposed infiltration basins so everything on the property would be infiltrated into the ground with nothing flowing offsite. They are currently addressing a few minor changes from the town's engineer regarding water and sewer. Additionally, Mr. Decktor stated that they have received Fire Marshall approval. They have also done soil and infiltration testing and submitted it to Sussex Conservation District. He confirmed that the store will be the standard design and color scheme of all Advanced Auto Part stores. It is the recommendation of the Planning and Zoning Commission that the Mayor and Council approve this request. Councilman Snader made a motion to accept the Preliminary Plan Approval for Advance Auto Parts as presented. Motion seconded by Councilwoman Cary and carried by all.

Councilman Snader stated the second item on the agenda the consideration of Preliminary Plan Approval for a new/used car dealership for Holly Kia located at 39020 and 38070 Dupont Blvd.,

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District 5-33 Map 16.00 Parcels 37.00 and 38.00. This property is located directly across the highway from the existing Holly Kia dealership. Bob Palmer from Beacon Engineering was in attendance representing JELE LLC and Jim Ehrler, owner of the property. Mr. Palmer stated that the Preliminary Site Plan being requested consists of shared facilities as well as the development of an approximately 13,000 sq. ft. new Holly Kia dealership on approximately 6.4 acres. He stated that the Service Department has reduced the number of service bays from 14 to 12 which will have a minor effect on parking. He stated they are required to have 73 parking spaces, but they will have 74. He went on to explain the two different line types for parking. The hard white parking lines represent customer parking, and the gray lines represent parking for inventory storage and overnight service storage. The Planning and Zoning Commission suggested that all cars should be parked on black-topped surfaces. In response, Mr. Palmer asked that they be able to pave up to the limit of what the source water protection ordinance allows if needed in the future. The commission discussed fencing to screen overflow vehicles and a motion was passed to require white vinyl privacy fencing to screen storage of vehicles. Additionally, Mr. Palmer stated the neighboring parcel is going through the process of annexation. He stated they have not proposed any buffering at this time. Mr. Palmer stated that they're now proposing an entirely closed collection system for stormwater which will be routed back to an infiltration pond with an overflow to the tax ditch. He stated they are working with Sussex Conservation District on final approval. Sewer and water services would come from the main along Route 113. Referencing his earlier comment about shared facilities, Mr. Palmer stated they have received a Letter of No Objection from DelDOT regarding the proposed closing of the four existing driveways along Route 113 in favor of creating one central spine road. DelDOT requires a right turn lane so there will be highway improvements. Mr. Palmer added that he received no comments from the town engineer's review. He also confirmed that the dealership is going to abandon the leased location across the street. It is the recommendation of the Planning and Zoning Commission that the Mayor and Council approve this request. Councilman Snader made a motion to accept the Preliminary Plan Approval for Holly Kia as presented. Motion seconded by Councilman Steffen and carried by all.

H. Industrial Park Report – S. Long

No report for the month of May.

I. Annexation Report – S. Long

A. See Minutes of the April 25, 2023 meeting.

Councilwoman Cary stated there was a request to investigate the possibility of annexing certain territory, contiguous to the present limits of the Town of Selbyville, owned by Balsamo Real Estate, LLC, identified as Sussex County Tax Map and Parcel No. 5-33-17.00-154.00, 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.

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She reported that Eric Wahl of Pennoni Associates represented Balsamo Real Estate, LLC for the request for annexation into Selbyville. Mr. Wahl stated that the property is currently zoned AR-1 with Sussex County and the applicant is requesting the property be annexed into Selbyville with the R-4 zoning as consistent with the surrounding parcels in town. The property is surrounded on three sides by town limits and is identified as Areas of Potential Annexation within the town's Comprehensive Land Use Plan. The applicant intends to subdivide the parcel into five separate lots which will be served by town water and sewer. Once annexation is granted, the applicant plans to move forward with the preliminary site plan for this subdivision.

Members of the committee reviewed a map of the area. The requested annexation is in line with the Town's Comprehensive Plan and the strategies for State Policies and Spending and Livable Delaware initiatives. This will also continue to help clean up the Town's boundaries.

It is the recommendation of the Annexation Committee that the Mayor and Council accept this annexation into the Town of Selbyville subject to final approval by the State of Delaware Office of Planning Coordination for Sussex County Tax Map and Parcel No. 5-33-17.00-154.00, containing 2.32 acres, more or less. The Annexation Committee also recommends the property be zoned R-4 in keeping consistent with the zoning in that area.

Councilwoman Cary read the following Resolution by title:

**RESOLUTION PROPOSING TO ANNEX CERTAIN TERRITORY,  
CONTIGUOUS TO THE PRESENT LIMITS OF THE TOWN OF  
SELBYVILLE, OWNED BY BALSAMO REAL ESTATE, LLC,  
IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-  
17.00-154.00, CONTAINING 2.32 ACRES, MORE OR LESS ("SUBJECT  
PROPERTY");  
AND  
TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE  
TOWN OF SELBYVILLE TO INCLUDE SAID SUBJECT PROPERTY IN  
THE R-4 RESIDENTIAL DISTRICT;  
AND  
ESTABLISHING THAT A PUBLIC HEARING BE HELD ON SAID  
ZONING AMENDMENT ON THE 5TH DAY OF JUNE, 2023, AT 6:00  
O'CLOCK IN THE EVENING, PREVAILING TIME, AT THE TOWN  
HALL, 1 W. CHURCH STREET, SELBYVILLE, DELAWARE.**

Councilwoman Cary made a motion to set a Public Hearing on the proposed Resolution on Monday, June 5, 2023, at 6 o'clock p.m. at 1 W. Church Street, Selbyville, Delaware. Motion seconded by Councilman Hudson and carried by all.

J. Administration Report – S. Long

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The Town Administrator requested permission from the Council to advertise for a full-time Building Inspector/Code Enforcement Official. She stated we currently outsource our Building Inspector who is also shared with surrounding towns. Additionally, the Town only has one part-time Code Enforcement Official. Councilman Hudson asked if this position was included in the budget. In response, the Town Administrator stated the budgeted funds that are paid to the current inspector would be utilized towards the new hire. The Council approved the Town Administrator to move forward with creating a job description for a full-time Building Inspector/Code Enforcement Official for them to review.

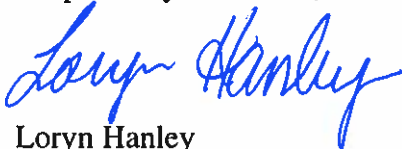
The Town Administrator reported that we have a new business coming to town: On the Way Café. It will be located where Flaming Pizza previously was at 38555 Dupont Boulevard. The owner of On the Way Café is currently performing interior renovations, and they are awaiting Fire Marshal approval.

The Town Administrator stated DelDOT has notified the Town that Cemetery Road will be closed between Main Street and Route 113 from Monday, May 8 through Tuesday, May 16, 2023, for railroad crossing safety improvements. She concluded her report by stating May 14<sup>th</sup> is the deadline for the pre-application with the State of Delaware for the park grant. She will be applying for phase 3 which is new fencing, parking lot improvements, signage, park entrance improvements.

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

Mayor Duncan adjourned the meeting and thanked everyone for attending.

Respectfully submitted,



Loryn Hanley  
Administrative Assistant

**EXECUTIVE SESSION**