

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING JULY 10, 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 June 5, 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.

C. Presentation of the June 30, 2023 bills by Mayor Duncan. Councilman Steffen made a motion to pay all bills as presented. Motion seconded by Councilman Snader and carried by all.

2. Mayor's Report & Comments:

Mayor Duncan reported that Senate Bill 105 was passed by the Senate and House of Representatives and signed by the Governor. Senate Bill 105 was introduced to Congress "to amend the Charter of the Town of Selbyville to allow the Town to impose an impact fee to contribute to the costs of operations of volunteer fire companies, ambulance companies, public libraries, or police departments providing services within the Town." Mayor Duncan stated they will hold a meeting to discuss and set the various impact fees soon.

3. Reports

A. Police Report – M. Hudson

Chief Wilson reported there were 301 calls for service, 156 tickets issued, and 13 criminal arrests for the month of June. He added that officers have increased their presence on Bethany Road after speeding concerns were expressed at the Town Council Meetings. As a result, Chief Wilson reported that they have issued 22 speeding violations on Bethany Road.

Councilman Hudson reported that House Bill 94 was passed by the Senate and House of Representatives and signed by the Governor. House Bill 94 was introduced to Congress to amend the Delaware Code relating to the use of electronic speed enforcement devices. Councilman Hudson stated there are still multiple agencies that will need to promulgate regulations before it comes before the Mayor and Council.

B. Code Enforcement – S. Long

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See report for the month of June.

C. Hazard Inspection Committee – C. Snader

See Minutes of the June 21, 2023 meeting.

Councilman Snader stated the only item on the agenda was the investigation of the dilapidated structure located at 11 Dukes Street as directed by the Mayor pursuant to Section 68-5 of the Town Code. The Hazard Inspection Committee requests that if the property owners do not contact the Town with a written plan for the structure within 30 days, the Town begins the condemnation process. It is the recommendation of the Hazard Inspection Committee that the Mayor & Council approve this request. Councilman Snader made a motion to approve this request as presented. Motion seconded by Councilman Steffen and carried by all.

Mayor Duncan requested Councilman Snader and other members of the Hazard Committee set a meeting to discuss 3 Lighthouse Road and report back to the Mayor and Council.

D. Water – G. Steffen

See report for the month of June. Councilman Steffen reported that the water plant produced 9,230,029 gallons of water. We have increased the amount of water being purchased from Artesian to help keep the water pressure on the eastern side of town. We continue to meet all State and Federal testing requirements. Councilman Steffen also reported that the new submersible pump for Well CR1 has been installed. During this installation, a pipe had to be replaced as well.

E. Public Works – G. Steffen

Councilman Steffen reported that the Public Works Department continues to spray weeds, cut grass, and read water meters.

F. Recreation – G. Steffen

Councilman Steffen reported that the cracks in the pickleball court have been repaired. Additionally, the concrete pad for the new pavilion at the Town Park has been laid. The contractor anticipates completing the pavilion this fall.

Councilman Steffen stated that he, the Town Administrator, the Public Works Supervisor, and the Administrative Assistant met to discuss the playground equipment and surface options such as wood chips or poured-in-place rubber surfacing. Councilman Steffen stated that poured-in-place rubber surfacing is more expensive than wood chips, however, it is preferred for several reasons. The Town Administrator stated that she is putting together a description of the preferred playground equipment and surface and putting it out to bid.

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The Town Administrator added that the draft of the 25-year lease agreement between the Town and the Indian River School District is being reviewed tonight by the school district's Ground and Maintenance Board. It pertains to a parcel near the Town Park that is owned by the school district. The Ground and Maintenance Board will report back to the Town Administrator with their comments tomorrow.

**G. Sewer Report – C. Snader**

See report for the month of June. Councilman Snader reported the plant had an average daily flow of 1,063,800 gallons with a peak flow of 1,175,000 gallons. The plant performed within all required permit parameters for the month.

Councilman Snader stated that the Town Engineer is reviewing oxidation ditch blower issues with contractors. He stated the air system on it needs to be evaluated as well. Excelsior installed a replacement blower on July 5, 2023. Additionally, Councilman Snader reported that Mountaire Farms has finished installing the chopper pump at the Church Street Pump Station to help with the mask issue. He added that the wastewater operators recently worked with Xylem in Lighthouse Lakes to install a new control panel.

At the Hickory Tree Pump Station, Whel-tech was contacted to troubleshoot an issue that occurs when the generator is tested. They have submitted a quote in the amount of \$23,046 for the repairs. Councilman Snader stated that he will meet with the Town Engineer and the Wastewater Department Supervisor for more information on this matter. He also stated that the existing generator cannot run the pump station for long periods of time, so Alban-Carter is scheduled to investigate that issue later this month.

Councilman Snader reported that they have received a quote from Whayland Construction in the amount of \$97,900 for the roof repair at the headworks building. He recommended acceptance of the quote due to safety concerns. Councilman Snader made a motion to accept the quote of \$97,900 from Whayland Construction for the roof repairs at the headworks building as presented. Motion seconded by Councilman Steffen and carried by all.

Mayor Duncan inquired about odor control at the Hudson Road Pump Station after residents expressed concerns at the last council meeting. The Town Administrator stated that deodorizer is being put in daily by the Wastewater Operators at this time. They will be meeting with a company to investigate the cause and possible solutions soon.

**H. Planning & Zoning – C. Snader**

See Minutes of the June 20, 2023 meeting.

Councilman Snader stated the first item on the agenda was the consideration of the Preliminary Plan Approval for Cypress Shores Development, District 5-33, Map 16.00, Parcel 25.00, located

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on Cypress Road, for 98 single-family homes. Daniel Bunting, representing Bunting Construction, was in attendance along with representatives from his engineering team from George, Miles, and Buhr, LLC (GMB). Mr. Bunting stated that it's an approximately forty-four acre parcel located between Route 113 and Cypress Road, formerly known as the Long Property. It will be the first subdivision in recent history located west of Route 113. He stated that it will be very similar to Creekhaven on Polly Branch Road.

Mr. Bunting stated they're requesting a waiver for approximately forty-eight lots to be 60 feet wide. The remaining fifty lots would meet the Town Code by being 75 feet wide. This is to allow for diversification of products. Side yard setbacks are within code, but they're also requesting a waiver for 20 feet rear yard setbacks. He stated that this gives the homeowners more flexibility when adding a porch or patio, adding that most of the lots back up to open space. Mr. Bunting stated there are no wetlands on the site. There are approximately 6.5 acres of woodlands on site, of which only about half will be disturbed. He added that they plan to create sizeable ponds. Mayor Duncan inquired about the possible erosion concerns due to the distance between the homes and the edge of the ponds. Mr. Bunting stated that once a builder is decided on, they will have to sod down to the edge of the pond to increase stabilization. A representative from the GMB engineering team stated there is a 15-foot maintenance easement around the top bank of the pond as well. Since they have not decided on a builder yet, the prices of the homes have not been determined. Mr. Bunting stated that he anticipates in the mid \$300,000's and upward. Similar to Creekhaven, he stated that they are trying to target first-time homeowners.

Mr. Bunting stated they are working with various state agencies at this time. He stated that they have met with DeIDOT and that they do have conceptual plans for their entrance. He stated that most of their requirements have been to widen the frontage. Additionally, Mr. Bunting stated that part of their improvements for this subdivision includes improving the Hickory Tree Pump Station and they are working with the Town Engineer regarding this.

Mr. Bunting stated that they hope to incorporate a small clubhouse and pool as well as an off-leash dog park and an RV storage area. He stated they are requesting a waiver with the RV storage area. According to the Town Code, boat and/or RV storage area(s) need to accommodate a minimum number of paved spaces equal to 20% of the total number of units in the subdivision and each space shall have a minimum size of 12 feet by 40 feet. A representative from the GMB engineering team stated they are requesting to reduce it to 10% of the total number of units in the subdivision and reduce each space to 12 feet by 30 feet.

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 Preliminary Plan Approval with the requested waivers for the Cypress Shores Development as presented. Motion seconded by Councilman Snader and carried by all.

Councilman Snader stated the second item on the agenda was a Conditional Use Application for food trucks/trailers at 14 W Church Street, District 5-33, Map 16.16, Parcel 41.00, owned by

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Scotty's Rental, Inc. Owner Leigh Scott was in attendance. Ms. Scott stated that the food trucks/trailers would be located in the area behind the Phoenix Physical Therapy building. She would like to cover the unused grassy area with gravel and have one permanent and one rotating, both in food and days of the week, food truck/trailer there. She plans to use the existing patio area from what was previously Synergy Café for seating for the grab-and-go food. She added that State Farm has moved into the vacated Synergy Café building and that the once-existing bathroom in the area would be replaced. Ms. Scott stated her goal is to bring more interest and food options to Selbyville. Mayor Duncan inquired about the possible food options. Ms. Scott stated the vendor that is interested in the permanent spot offers breakfast sandwiches, crabcakes, shrimp salad, pulled pork, fried chicken, and cornbread to name a few. Multiple vendors have shown interest in the rotating spot and offer a variety of options that differ from what is offered at the permanent food truck/trailer. The owners of the food trucks/trailers would be responsible for obtaining a Business License through the Town.

The Mayor and Council expressed possible concerns to consider. Ms. Scott emphasized that as the owner of the neighboring daycare as well as the building State Farm is in, improper behavior would not be tolerated and if issues were to arise, they would be taken care of. She added that the trucks/trailers are similar to RVs as they hold their own fresh water and wastewater. The wastewater would be disposed of offsite. A dumpster is currently available for the disposal of trash. She anticipates hours of operation would be daytime through early evening. She would like to see them be operational year-round, but it would depend on the weather during the winter months. Members of the Council stated that it can be monitored year-round and amended if needed as it is a Conditional Use. 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 Conditional Use Application for food trucks/trailers at 14 W Church Street as presented. Motion seconded by Councilman Hudson and carried by all.

**I. Industrial Park Report – S. Long**

No report for the month of July. The Town Administrator informed the Mayor and Council that one of the properties in the Industrial Park is going up for sale, and they have the first right of refusal, so there will be a vote regarding it at the August Council Meeting.

**J. Annexation Report – C. Cary**

No report for the month of July.

**K. Administration Report – S. Long**

The Town Administrator reported that Second Chance 302, which was previously located at 13 W Church Street, has now moved to 83 W Church Street. They have been issued a business license to operate at their new location.

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As Mayor Duncan stated, Senate Bill 105 was passed by the Senate and House of Representatives and has been signed by the Governor. The Town Administrator stated the next step is to amend the Town Code to allow the Town to charge the impact fees. She recommended they set up a workshop to discuss and set the various impact fees.

At the June Council Meeting, the Town Administrator reported she applied for a grant through the 2023 Community Reinvestment Fund to erect a secure fencing area and building in the rear parking area of the Police Department. This was requested to secure police vehicles and equipment in a secure area. Included in the request was an additional fenced-in area, similar to a sally port to allow limited access at the rear entrance of the police department for officer and detainee safety. The Town Administrator projected the cost to be approximately \$300,000 and reported the Town was awarded \$270,000. She stated that the Town is not required to match funds.

The Town Administrator also reported that the Town of Selbyville is hosting a workshop with the Sussex County Soil Conservation District on Wednesday, July 19, 2023. The meeting is open to the public and will take place at the Selbyville Volunteer Fire Department at 30 N Main Street from 10:00 A.M. to 1:00 P.M. The purpose of this workshop is for information on what the Sussex County Soil Conservation District rules, regulations, and requirements are in the stormwater management process when a development comes before them. She stated that she has reached out to all of the Town of Selbyville developments' Homeowners Association (HOA) contacts with more information. It is requested that one speaker is chosen to represent each development for the question-and-answer session towards the end of the workshop. The Town Administrator asked the HOA contacts to request a one-on-one meeting if their development has erosion, drainage, etc. issues, so they can see pictures and meet on-site and begin working towards a solution for these issues.

The Town Administrator continued the discussion regarding the speed limit reduction on Lighthouse Road. Chief Wilson recommended reducing the speed limit from 50 mph to 40 mph beginning at the Lighthouse Crossing development and ending at the Hudson Road intersection. An attendee requested the Council have additional "Reduced Speed Zone" signs installed. The Town Administrator stated she will look into that as well. Councilman Snader made a motion to allow the Town Administrator to move forward with DelDOT regarding the reduction of the speed limit to 40 mph on Lighthouse Road from the Lighthouse Crossing development to the Hudson Road intersection. Motion seconded by Councilman Steffen and carried by all.

Councilman Snader inquired about the current status of the full-time Building Inspector/Code Enforcement Official position. The Town Administrator stated that an ad has been placed in the Coastal Point and Ocean City Today newspapers and will run until the position is filled. She stated she has received three letters of interest with resumes so far.

4. Visitors in Attendance:

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Diane Schmidt, a resident of Barkley Estates, requested the bushes near the entrance of the Mason-Dixon Shopping Center be trimmed. Daniel Bunting stated the bushes may have been trimmed already, but if not, the landscapers have been contacted about it.

Pat Mercilliot, a resident of Victoria Forest, expressed that she is glad to hear that House Bill 94 was passed by the Senate and House of Representatives and signed by the Governor. Additionally, she expressed her gratitude to the Selbyville Police Department for monitoring speeds on Bethany Road and rotating the speed trailer.

Leigh Scott, a Selbyville business owner, stated she appreciates the “classy looking” plaques in the planters throughout downtown.

An attendee inquired about what can be done about the dilapidated chicken houses along Lighthouse Road. The Town Administrator stated that the area she is referring to is not within town limits, however, she recommends the attendee contact Sussex County about it.

Doug Smith and Jay Griffith of Mountaire Farms reported they had done ninety-six odor checks since the last town meeting and detected nine instances of odor.

Kim Taylor, a resident of Mill Pond, inquired about options for a restoration and revitalization committee in Selbyville at the June Council Meeting. She stated she has since joined the Selbyville Community Club and has attended a Selbyville Historical Society meeting. She stated she was impressed with the Selbyville Historical Society and encouraged other residents to join and attend their meetings. Additionally, Ms. Taylor mentioned there are some ditch and erosion issues in Mill Pond, and she is looking forward to the upcoming stormwater management workshop. She concluded by expressing appreciation for all that was accomplished since the last council meeting.

Dawn Lekites informed the Council that the Selbyville Historical Society meets at 6:00 P.M on the last Wednesday of each month at Salem United Methodist Church. She also encouraged the community to attend.

There being no further business to discuss Councilman Steffen made a motion to adjourn the meeting and to go into Executive Session to discuss the possible acquisition of real property located at 11 Dukes Street. Motion seconded by Councilman Snader and carried by all.

Mayor Duncan adjourned the meeting and thanked everyone for attending.

Respectfully submitted.



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Loryn Rose  
Administrative Assistant

**EXECUTIVE SESSION**