

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING AUGUST 7, 2023**

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

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 July 10, 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 Councilman Snader and carried by all.
- C. Presentation of the July 31, 2023 bills by Mayor Duncan. Councilman Steffen 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 the Stormwater Management Workshop with the Sussex Conservation District (SCD) was well attended, and a lot of progress was made. The Town Administrator added that the SCD's PowerPoint Presentation from the workshop as well as a direct link to the SCD's website is available on the Town's website. Minutes from the workshop will be available soon.

Mayor Duncan requested the Council consider hiring additional staff for the Administrative Department. Additionally, he asked residents to be considerate when irrigating their lawns, keep grass clippings off the roadways and out of the storm drains, and trim tree limbs that are impeding sidewalks and traffic. Mayor Duncan also stated that he has asked Councilman Hudson to explore the pros and cons regarding which direction the Town will take toward cannabis.

- A. Mayor Duncan, Councilwoman Cary, and the Town Administrator met with the Bethany-Fenwick Area Chamber of Commerce regarding future economic development within the Town. Mayor Duncan appointed the following members to the Economic Development Committee:
 - (1) Rick Duncan, Mayor
 - (2) Carol Cary, Chairperson
 - (3) Stacey Long, Town Administrator
 - (4) Loryn Rose, Administrative Assistant
 - (5) Scott Smith – Edward Jones
 - (6) Lauren Weaver – Bethany-Fenwick Area Chamber of Commerce

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- (7) Emily Gaither – Bethany-Fenwick Area Chamber of Commerce
- (8) Zach Evans – Mountaire Farms
- (9) Leigh Scott – Next Step Learning Center
- (10) Diana Granados – La Sierra

B. Mayor Duncan reported the Town has reached out to multiple municipalities regarding Council Districts. He stated that as the Town grows, they want to keep the representation fair. The Town is looking into the University of Delaware’s program for setting up voting districts in municipalities.

C. 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 BUNTING HOLDINGS, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-18.00-11.00, CONTAINING 36.592 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, WITH A RESIDENTIAL PLANNED COMMUNITY (RPC) OVERLAY.

Mayor Duncan read the Resolution into the Minutes by title only. Mayor Duncan appointed Councilwoman Cary as Chair, and Councilman Steffen and Councilman Snader as members of the Annexation Committee.

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 SELBYVILLE PARTNERS, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-18.00-18.00, CONTAINING 47.734 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, WITH A RESIDENTIAL PLANNED COMMUNITY (RPC) OVERLAY.

Mayor Duncan read the Resolution into the Minutes by title only. Mayor Duncan appointed Councilwoman Cary as Chair, and Councilman Steffen and Councilman Snader as members of the Annexation Committee.

3. Reports

- A. Police Report – M. Hudson

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Chief Wilson reported there were 290 calls for service, 118 tickets issued, and 16 criminal arrests for the month of July. He added that officers will be participating in the 3rd Annual Laura Madara Back to School Health Fair to be held at the Selbyville Fire Company on Saturday, August 19, 2023, from 10:00 A.M. until 1:00 P.M. Town Hall is hosting a donation site for school supplies that will be passed out during the event.

Councilman Hudson stated there is no update regarding the use of electronic speed enforcement devices at this time. He stated they will continue to monitor it.

B. Code Enforcement – S. Long

See report for the month of July.

C. Hazard Inspection Committee – C. Snader

Councilman Snader reported that 11 Dukes Street went to settlement. The new owner has begun cleaning up the property. Councilman Snader added that he and the Town Administrator will meet with the new owner to discuss their plan for the property and structure.

Councilman Snader stated they will discuss 3 Lighthouse Road at the Hazard Inspection Committee meeting scheduled for August 9, 2023.

D. Water – G. Steffen

See report for the month of July. Councilman Steffen reported the water plant produced 11,817,315 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.

E. Public Works – G. Steffen

Councilman Steffen reported that the Public Works Department continues to spray weeds, cut grass, read water meters, clean out catch basins, and work at the Town Park as needed.

F. Recreation – G. Steffen

Councilman Steffen reported the Selbyville Rt54 Smashers continue to utilize the softball field for batting practice on Saturdays. Additionally, Sussex Elite Legends is utilizing the football field for practice on weekday evenings. Mayor Duncan added that Olde Tymers Softball League has expressed interest in utilizing the softball field on Tuesdays and Thursdays during their 2024 season.

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

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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.

The Town Administrator referred to the draft of the 25-year lease agreement between the Town and the Indian River School District (IRSD). It pertains to a parcel owned by the school district that is between Cemetery Road and the Town Park. After reviewing the lease agreement, IRSD has requested a few changes as follows: “(1) We will require fencing that we approve. (2) We must reserve the right to terminate the lease on agreed-upon notice in the event there is a school need for the property. (3) We need to know exactly where on the leased land they will be placing playgrounds, the track, and the project contemplated on the attached. (4) Supervision and control of the Property shall be the exclusive responsibility of the Town during the term of this Agreement.” The Town Administrator stated that she has sent this to the Town’s solicitor for review, who stated she has no issues with the revisions. However, the Town Administrator stated that if this is accepted including the IRSD “right to terminate” request, the Town will not be able to use any State of Delaware grant funding for improvements on this parcel as they require a minimum 25-year lease agreement. Mayor Duncan stated that they will be meeting with the IRSD Board on Monday, August 14, 2023, and will discuss this further at a future council meeting.

G. Sewer Report – C. Snader

See report for the month of June. Councilman Snader reported the plant had an average daily flow of 1,097,200 gallons with a peak flow of 1,237,000 gallons. The plant performed within all required permit parameters for the month.

Councilman Snader stated they have received a quote from Xylem in the amount of \$31,798.50 to replace a pump at the Church Street Pump Station. The Town Engineer stated that the Church Street Pump Station is the Town’s largest pump station and has had several issues for a while. It is recommended that this pump be replaced, not repaired. Councilman Snader made a motion to accept the quote of \$31,798.50 from Xylem to replace the pump at the Church Street Pump Station. Motion seconded by Councilman Steffen and carried by all.

H. Planning & Zoning – C. Snader

See Minutes of the August 2, 2023 meeting.

Councilman Snader stated that the first item on the agenda was the Consideration of Final Plan Approval for Phase 2 of Coastal Villages, owned by Bunting-Macks, LLC, located on Lighthouse Road and Hudson Road, District 5-33, Map 17.00, Parcel 71.00. Daniel Bunting, owner, and Ring Lardner, an engineer at Davis Bowen Friedel, Inc. (DBF), were in attendance. Mr. Lardner stated that there are 254 units in Phase 2 of Coastal Villages and that all agency

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approvals have been received, to include DeIDOT, Sussex Conservation District and DNREC. 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 Final Plan Approval for Phase 2 of Coastal Villages located on Lighthouse Road and Hudson Road as presented. Motion seconded by Councilman Hudson and carried by all.

Councilman Snader stated that the second item on the agenda was the consolidation of lots owned by the Selbyville Public Library. District 5-33, Map 16.16, Parcels 52.00 and 53.00, located on W. McCabe Street. With the acquisition of the corner property at 11 W. McCabe Street, the library is removing the existing lot line and consolidating their property into a single, larger lot. 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 consolidation of lots owned by the Selbyville Public Library as presented. Motion seconded by Councilman Hudson and carried by all.

Councilman Snader stated that the third item on the agenda was consolidation of lots owned by German Temaj Ramirez, District 5-33, Map 16.11, Parcels 44.00 and 46.00, located on Clendaniel Avenue Extended. The Town Administrator presented the request. The property is located near Long Street, behind Mountaire Farms. She stated that there are currently three lots. The owner would like to consolidate the lots to accommodate an addition to an existing dwelling. 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 consolidation of lots owned by German Temaj Ramirez as presented. Motion seconded by Councilman Hudson and carried by all.

I. Industrial Park Report – S. Long

The Town Administrator stated they received a letter and contract from Sigma Realty regarding 9 Mason Drive in the Industrial Park. She stated that Sigma Realty would like to sell it to Bruce Hrebik of Mid-Lantic Distributors. As stated at the June Council Meeting, the Mayor and Council have the first right of refusal. A representative of Mid-Lantic Distributors stated they are looking to purchase 9 Mason Drive to expand their business. Councilman Steffen made a motion not to make an offer on the sale of 9 Mason Drive. Motion seconded by Councilman Snader and carried by all.

J. Annexation Report – C. Cary

No report for the month of July.

K. Administration Report – S. Long

The Town Administrator reported that On the Way Café is now open. It is located where Flaming Pizza previously was at 38555 Dupont Boulevard. She added that there is another

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restaurant coming to Town: Tulum Restaurant. It will be located where Cactus Café previously was at 38188 Dupont Boulevard. They are not open yet.

Due to the next Town Council Meeting falling on a holiday, the September Town Council Meeting will take place on the second Monday of the month, September 11, 2023.

The Town Administrator reported that they have received a quote for the creation of a Mixed-Use Zoning District from AECOM. The creation of a Mixed-Use Zoning District was recommended by the Planning and Zoning Commission and approved by the Mayor and Council. The scope of work is to include: a kick-off meeting with Town Staff, consultant review and analysis of Town Land Use & Zoning, a draft Mixed-Use Zoning District Regulations document, and meetings with the Planning and Zoning Commission and Town Council. Upon receipt, they anticipate three (3) months to complete the preparation of the deliverables. The total contract price for time and materials is not to exceed \$12,200. Councilman Snader made a motion to accept the quote for the creation of a Mixed-Use Zoning District from AECOM not to exceed the amount of \$12,200. Motion seconded by Councilman Steffen and carried by all.

4. Visitors in Attendance:

Dewey Dick, a resident of Barkley Estates, expressed concerns regarding a letter he received referring to the Outside Contractor Business License requirement. He interpreted it as putting a limit on which contractors he could use for work at his residence. The Council explained that all contractors can apply for and obtain a Business License through the Town by providing proof of their State of Delaware Business License and Certificate of Liability Insurance. Additionally, he stated that the street sweeper does not come into the development, and the weeds are not being sprayed on the curbs in the development. The Town Administrator stated that the Town has a street sweeper that services the main Town roads once a month, but not the developments at this time.

Emily Gaither, Bethany-Fenwick Area Chamber of Commerce Member Relations Manager, expressed that the Chamber is excited to be part of the Economic Development Committee and the upcoming Trunk or Treat event.

Jay Griffith of Mountaire Farms reported they had done seventy-eight odor checks since the last town meeting and detected eight instances of odor.

Diane Schmidt, a resident of Barkley Estates, stated that she recently took a tour of the local elementary school and was very impressed by the hallways that contained artwork of the history of Selbyville.

A resident of Lighthouse Lakes expressed that they appreciate the quick response regarding a recent sinkhole.

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

Mayor Duncan adjourned the meeting and thanked everyone for attending.

Respectfully submitted,



Loryn Rose
Administrative Assistant

EXECUTIVE SESSION