

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING NOVEMBER 6, 2023**

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

The meeting was properly posted.

1. Public Hearing –

Mayor Duncan opened the Public Hearing:

**TO CONSIDER THE PROPOSED ALTERATION OF THE FINAL RECORD PLAN FOR THE MAJOR RESIDENTIAL SUBDIVISION KNOWN AS "SCHOONER LANDING", OF RECORD IN PLOT BOOK 318, PAGE 13, ET SEQ., FOR REAL PROPERTY PRESENTLY IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NOS. 533-17.00-107.00, 107.01, 108.00, 109.00 AND 874 THROUGH 1002.00 (INCLUSIVE), LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF SELBYVILLE.**

Mayor Duncan invited David Steele of Lennar to speak. Mr. Steele explained that one of the changes they are requesting to make is regarding the location of the pump station. Originally it was designed as an easement, however, it will now have its own parcel that can be deeded to the Town of Selbyville at a future date. Mr. Steele also explained that they are adding an easement along the back of the property for a series of homes near the entrance to Schooner Landing near Lighthouse Road due to regulations regarding the multi-use path that required it to be moved.

At this time, Mayor Duncan invited the public to comment. Chris Pearson, a resident of Lighthouse Crossing, inquired about the location of the pump station. Mr. Steele stated that it is located in the center of the Schooner Landing development.

Once the question and answer session ended, Councilman Steffen made a motion to close the Public Hearing. Motion seconded by Councilman Snader and carried by all.

2. Opening of Meeting –

A. Mayor Duncan led in the Pledge of Allegiance.

B. Presentation of the Minutes of the October 2, 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.

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING NOVEMBER 6, 2023**

- C. Presentation of the October 31, 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.

3. Mayor's Report & Comments:

Mayor Duncan introduced Dr. Michele Timmons of Phillip C. Showell Elementary and invited her to speak. Dr. Timmons, along with several students representing the National Elementary Honor Society at Phillip C. Showell Elementary School conducted a presentation about their member requirements and upcoming service projects. The Mayor and Council thanked them for their presentation.

- A. **CONSIDERATION OF THE PROPOSED ALTERATION OF THE FINAL RECORD PLAN FOR THE MAJOR RESIDENTIAL SUBDIVISION KNOWN AS "SCHOONER LANDING", OF RECORD IN PLOT BOOK 318, PAGE 13, ET SEQ., FOR REAL PROPERTY PRESENTLY IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NOS. 533-17.00-107.00, 107.01, 108.00, 109.00 AND 874 THROUGH 1002.00 (INCLUSIVE), LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF SELBYVILLE.**

Mayor Duncan read into the Minutes by title only. Councilwoman Cary made a motion to accept the proposed alteration as presented. Motion seconded by Councilman Snader and carried by all.

- B. **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 ROY CREEK HOLDINGS LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-18.00-35.02, CONTAINING 2.5705 ACRES, MORE OR LESS; AND TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF SELBYVILLE TO INCLUDE SAID TERRITORY IN EITHER THE GC GENERAL COMMERCIAL DISTRICT OR THE R-4 RESIDENTIAL DISTRICT.**

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.

- C. **AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF SELBYVILLE BY AMENDING CHAPTER 100, IMPACT FEES, § 100-7., TO ENLARGE THE AMOUNT OF TIME THAT THE SELBYVILLE VOLUNTEER FIRE COMPANY AND SELBYVILLE PUBLIC LIBRARY EACH HAVE TO SUBMIT AN ANNUAL AUDIT REPORT TO THE TOWN FROM 3 MONTHS TO 6 MONTHS FOLLOWING THE CLOSE OF THEIR FISCAL YEAR.**

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING NOVEMBER 6, 2023**

Mayor Duncan read the Ordinance into the Minutes by title only. The Town Administrator explained that this will allow the Selbyville Volunteer Fire Company and the Selbyville Public Library to have 6 months to submit an annual audit report to the Town following the close of their fiscal year. Councilwoman Cary made a motion to adopt the Ordinance as presented. Motion seconded by Councilman Steffen and carried by all.

**D. AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF SELBYVILLE, CHAPTER 160, SUBDIVISION OF LAND, BY REVISING SECTION 160-14 THEREOF TO MAKE COOPERATION IN THE TOWN'S EFFORTS TO COMPLY WITH THE UNDERGROUND UTILITY DAMAGE PREVENTION AND SAFETY ACT, 26 DEL. C. § 801, ET SEQ., AN EXPRESS CONDITION PRECEDENT TO THE ISSUANCE OF A BUILDING PERMIT AND TO REVISE THE EXISTING VIOLATION PROVISIONS BY INCLUDING ONLY CIVIL PENALTIES.**

Mayor Duncan read the Ordinance into the Minutes by title only. The Town Administrator explained that the purpose of this Ordinance is to amend the subdivision chapter of the Town Code to make it clear that building permits and/or a Certificate of Occupancy will not be issued if there are outstanding requests concerning the prompt marking of and/or reporting concerning utilities or other actions required of the developer, owner or its contractor in order for the Town to comply with the Underground Utility Damage Prevention and Safety Act or any other applicable federal or state law. The Town Engineer added that while the developments are ongoing, Miss Utility Tickets are being requested for putting in utilities. The Miss Utility Tickets immediately are sent to the Town of Selbyville due to the development being located within the Town, even though the Town does not have any infrastructure within the development as the Town has not accepted beneficial acceptance of the development. At that point, the Town must request the status from the contractor/developer and report the status within 48 hours to Miss Utility, otherwise, Miss Utility charges late fees to the Town. Councilman Snader made a motion to adopt the Ordinance as presented. Motion seconded by Councilman Hudson and carried by all.

4. Reports

A. Police Report – M. Hudson

Chief Wilson reported there were 296 calls for service, 106 tickets issued, and 11 criminal arrests for the month of October. He added that officers participated in the 3<sup>rd</sup> Annual Trunk or Treat at the Selbyville Fire Company on Saturday, October 21, 2023. Chief Wilson stated that it was well attended. Additionally, he reported that no issues were reported on October 31<sup>st</sup> during Trick or Treat, but it appeared to have less participation this year. Chief Wilson concluded his report by stating that they picked up their new police vehicle last month. It is a grey Chevrolet Tahoe.

Councilman Hudson inquired about an update regarding the use of electronic speed enforcement devices. Chief Wilson stated they have no update at this time but will continue to monitor it.

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING NOVEMBER 6, 2023**

Councilman Hudson also commended the Selbyville Police Department on their strong presence during evening trick or treating on October 31<sup>st</sup>.

**B. Code Enforcement – S. Long**

See report for the month of October. The Town Administrator announced that the Annual Rental Inspections have begun.

**C. Hazard Inspection Committee – C. Snader**

No report for the month of October.

**D. Water – G. Steffen**

See report for the month of October. Councilman Steffen reported that the water plant produced 7,438,615 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. The Water Department continues to read meters, work on meters, and mark water lines for utility locates.

Councilman Steffen reported that Well CR2 Pump is still down. After having AC Shultes investigate the issue, it was found that the motor is undersized and with the distance for the electric run, it needs to have a filter installed. Parts have been ordered. It will be down for approximately 6 to 8 weeks.

**E. Public Works – G. Steffen**

Councilman Steffen reported that mowing has slowed down with the cooler temperatures. The Public Works Department continues to clean out storm drains. Additionally, the Christmas lights are ready and will be turned on the evening of Thanksgiving.

**F. Recreation – G. Steffen**

Councilman Steffen reported the bathrooms at the Town Park were winterized on November 1<sup>st</sup>.

The Town Administrator referred to the draft of the 25-year lease agreement between the Town and the Indian River School District (IRSD) that pertains to a parcel owned by the school district that is between Cemetery Road and the Town Park. The Town Administrator stated that in October she and Mayor Duncan attended the IRSD Building and Grounds Committee Meeting, and she attended the IRSD School Board Meeting. Originally after reviewing the lease agreement, IRSD requested the addition of a clause stating that they reserve the right to terminate the lease with 6 months' notice through certified mail in the event there is a school need for the property. However, if the lease is accepted including the IRSD "right to terminate" request, the

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING NOVEMBER 6, 2023**

Town would 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. After a discussion, the IRSD voted to remove the “right to terminate” language and agreed to the 25-year lease agreement. With that, the Town is now permitted to apply for and utilize State of Delaware grant funding for improvements on the parcel if desired. Councilwoman Cary made a motion to accept the 25-year lease agreement with the Indian River School District as presented. Motion seconded by Councilman Hudson and carried by all.

**G. Sewer Report – C. Snader**

See report for the month of October. Councilman Snader reported the plant had an average daily flow of 1,108,000 gallons and a peak flow of 1,266,000 gallons. The plant performed within all required permit parameters for the month. Councilman Snader added that Whayland Construction has begun the roof repairs at the Headworks Building.

**H. Planning & Zoning – C. Snader**

No report for the month of October.

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

No report for the month of October. An Industrial Park Committee Meeting is scheduled for Wednesday, November 29, 2023.

Mayor Duncan reported that there was a fire at Red Sun Custom Apparel in the Industrial Park and expressed sympathy.

**J. Annexation Report – C. Cary**

No report for the month of October.

**K. Economic Development Committee – C. Cary**

Councilwoman Cary reported on the purpose of the Economic Development Committee. They did not meet in October, however, a subcommittee created Terms of Reference and Key Facts for the Mayor and Council to review. Councilwoman Cary made a motion to accept the Terms of Reference and Key Facts as presented. Motion seconded by Councilman Hudson and carried by all.

Emily Gaither of the Bethany-Fenwick Area Chamber of Commerce (BFACC) stated that the next step will be Strategic Visioning. The next meeting will take place on Monday, November 20, 2023, at 4:15 P.M.

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING NOVEMBER 6, 2023**

L. Marijuana Advisory Committee – M. Hudson

See Minutes of the October 17, 2023 meeting.

Councilman Hudson reported it is the recommendation of the Marijuana Advisory Committee that the Mayor and Council approve the prohibition of marijuana related uses based on the following reasons:

- Many towns are adopting ordinances to prohibit these uses.
- This does not promote the health, safety, and welfare of the residents of the Town.
- In speaking with many residents, they are against permitting these uses.
- The odor associated with these uses.
- Drugs bring crime.
- These uses are permitted within the county jurisdiction which has more land area for these types of operations.
- No increased revenue for town besides an annual business license fee
- Short staffing in the police department makes it difficult to keep up with more security and monitoring at and around these facilities.
- If it is a permitted use, all the individuals from the surrounding towns that prohibit this would be driving to Selbyville which will lead to increased traffic on our already overcrowded roads and the possibility of increased vehicle collisions and moving violations.
- Delaware League of Local Governments strongly opposed HB1 and we support all their reasons (Letter of Opposition attached to the October 17, 2023, Marijuana Advisory Committee Meeting Minutes)

Councilwoman Cary made a motion to accept the recommendation of the Marijuana Advisory Committee by approving the prohibition of marijuana related uses as presented. Motion seconded by Councilman Hudson and carried by all.

- 1. RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON MONDAY, DECEMBER 4, 2023, AT 6:00 P.M., AT THE SELBYVILLE TOWN HALL, 1 WEST CHURCH STREET, SELBYVILLE, SUSSEX COUNTY, DELAWARE, TO CONSIDER AMENDING THE TOWN CODE OF THE TOWN OF SELBYVILLE, BY REVISING EXISTING CHAPTER 200, ZONING, §200-11, TO PROHIBIT THE OPERATION OF MARIJUANA ESTABLISHMENTS, INCLUDING TESTING FACILITIES, MARIJUANA CULTIVATION FACILITIES, RETAIL MARIJUANA STORES, AND ANY COMMERCIAL ESTABLISHMENT, SUCH AS A MARIJUANA LOUNGE OR CAFÉ, THAT ALLOWS PATRONS TO CONSUME, SMOKE OR PARTAKE IN MARIJUANA PRODUCTS WITHIN THE JURISDICTION LIMITS OF THE TOWN OF SELBYVILLE.**

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING NOVEMBER 6, 2023**

Mayor Duncan read the Resolution into the Minutes by title only. Councilman Snader made a motion to adopt this Resolution as presented. Motion seconded by Councilman Hudson and carried by all.

**M. Administrative Report – C. Cary**

Councilwoman Cary asked the Mayor and Council to consider advertising for an Administrative Assistant position to be hired in the next fiscal year. The Mayor and Council unanimously agreed to move forward with creating a job description and advertising for an Administrative Assistant.

Councilwoman Cary also reported that the Town has hired Lisa Michaels to fulfill the Assistant Secretary/Treasurer Position as Sandra Givans is retiring.

**N. Administrative Report – S. Long**

The Town Administrator reported that the 62<sup>nd</sup> Annual Selbyville Christmas Parade will take place on Friday, December 1, 2023, at 7:00 P.M. She added that she has spoke with Scott Smith, a member of the Rotary, and she stated that the Rotary and Salem Church have decided to station the Santa House at Salem Church this year. Different businesses will be sponsoring different nights. The schedule will be released once it has been finalized. They have asked if the Town is interested in sponsoring a night. The Town Administrator explained that sponsoring entails providing hot chocolate and cookies and having a few Town Representatives present along with Santa. The Mayor and Council agreed to sponsor the Santa House for a night.

The Town Administrator reported that the first item on the agenda is to set a Public Hearing date for the Community Development Block Grant. Councilwoman Cary made a motion to hold a Public Hearing for the Community Development Block Grant on December 4, 2023, at 6:00 P.M. at the Selbyville Town Hall. Motion seconded by Councilman Steffen and carried by all.

The Town Administrator reported that the second item on the agenda is regarding the Wastewater Facilities Planning Grant. It is a 50/50 matching grant. The Town was awarded \$30,000 and needs to match it. The Town had hoped to obtain additional funding from the United States Department of Agriculture (USDA), however, they were not able to. As a result, they are requesting to utilize Town funds for the matching \$30,000. Councilwoman Cary made a motion to accept the Wastewater Facilities Planning Grant 50/50 match with Town funds. Motion seconded by Councilman Hudson and carried by all.

The Town Administrator reported that the next item on the agenda is the consideration of agreement with The Center for Applied Demography and Survey Research through the University of Delaware to prepare a Town of Selbyville Council Manic District Map. The previous Council changed the Charter to allow the Town to move forward with the creation of Council Districts. The Center for Applied Demography and Survey Research (CADSR) through the University of Delaware has provided a quote in the amount of \$7,565 for the creation of a

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING NOVEMBER 6, 2023**

Town of Selbyville Council Manic District Map. The Town Administrator added that the CADSR has done this for several other towns in Sussex County as well. Councilman Hudson made a motion to accept the quote from the Center for Applied Demography and Survey Research in the amount of \$7,565 as presented. Motion seconded by Councilman Hudson and carried by all.

The Town Administrator reported that the final item on the agenda is the consideration of quotes from Solutions Plus and Coastal Technology Group for a video conferencing system in the Council Chambers. Solutions Plus submitted a quote in the amount of \$5,799.95 for the video conference equipment. Coastal Technology Group submitted a quote in the amount of \$4,723.98 for the wiring and installation work associated with the video conference system. Councilman Snader made a motion to accept the quotes from Solutions Plus in the amount of \$5,799.95 and Coastal Technology Group in the amount of \$4,723.98 as presented. Motion seconded by Councilman Steffen and carried by all.

4. Visitors in Attendance:

Chris Pearson, a resident of Lighthouse Crossing, inquired about the construction at the pump station near their storage facility. The Town Engineer stated that the pump station is owned by the Town and is being upgraded. Mr. Pearson expressed concerns regarding the storage facility being blocked. The Town Engineer stated that he would speak with the on-site inspector about ensuring access to the storage facility is not obstructed.

Pat Mercilliot, a resident of Victoria Forest, commended Chief Wilson on the impact from the speed trailer on Bethany Road. She inquired about the Town's possibility of qualifying for the use of electronic speed enforcement devices. Councilman Hudson stated that it is a lengthy process and has not gotten to that point in the process yet.

Emily Gaither, BFACC Member Relations Manager, stated they enjoyed participating in the 3<sup>rd</sup> Annual Selbyville Trunk or Treat. They have an upcoming event: Shop Local Extravaganza. More information can be found at <https://business.bethany-fenwick.org/events/details/shop-local-extravaganza-2023-12-02-2023-27136>. Ms. Gaither added that the BFACC is looking forward to the 62<sup>nd</sup> Annual Selbyville Christmas Parade which they are running the online registration for.

Zach Evans from Mountaire Farms announced that Mountaire is continuing their Thanksgiving for Thousands Program. Volunteers will begin packing the boxes at 8:00 A.M. on Saturday, November 18, 2023, at Mountaire Farms on Hosier Street in Selbyville. They have a goal of packing 14,000 boxes in total. 14,000 boxes will provide 56,000 meals. Online registration for the event is available on their Facebook page and website: <https://mountaire.com/>. Mr. Evans invited the council, staff, and residents to participate. Mr. Evans added that Mountaire Farms is excited to be the Presenting Sponsor for the 62<sup>nd</sup> Annual Selbyville Christmas Parade.



**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING NOVEMBER 6, 2023**

The Town Administrator took a moment to thank Ms. Gaither and Mr. Evans for all of their assistance with the 62<sup>nd</sup> Annual Selbyville Christmas Parade.

Jay Griffith of Mountaire Farms introduced David White. Mr. White has been with Mountaire Farms for several years and will be Mr. Griffith's replacement.

Doug Smith of Mountaire Farms reported they had done 104 odor checks since the last town meeting and detected 10 instances of odor. They have made adjustments to reduce the instances of odor.

Peter Collins, a resident of Atlantic Lakes, states he has sent the Town a few emails regarding possible building code violations. The emails have been forwarded to the Town's Building Inspector. The Town Administrator stated that the Building Inspector has been informed of this and will respond.

Kim Taylor, a resident of Mill Pond, recognized the Public Works Supervisor for all of his help in Mill Pond. She stated that Mill Pond is working with the Sussex Conservation District (SCD) and Department of Natural Resources (DNREC) regarding drainage and erosion issues in the development. Ms. Taylor indicated that there is a water pooling near the entrance of the development when it rains which the Public Works Supervisor stated he will look into it. Additionally, Ms. Taylor inquired about a possible "needs assessment" regarding infrastructure and traffic in the area. Mayor Duncan stated that the Water and Wastewater Facilities Planning Grants assist with this as well as the 1 million gallon water tower project and developers working with DelDOT when planning each development. Lastly, Ms. Taylor inquired about the possibility of an increased police presence on Dukes Street on behalf of a resident who was unable to attend the meeting. Councilman Hudson recommended they contact Chief Wilson regarding their concerns with more information.

Carol Hinczynski, a resident of Mill Pond, expressed concerns regarding growth in the area without growth in the medical industry in the area. Mayor Duncan stated that in the past Atlantic General Hospital had sent a representative to the Council Meetings once a year to report on new facilities in the area. Ms. Gaither added that the BFACC discusses this with different organizations often. Ms. Gaither and Mr. Evans stated that it is a complex issue, and the housing market has had an impact on the industry. Mr. Evans recommended residents keep an eye out for more information on upcoming meetings and discussions on this topic through the Bethany-Fenwick Area Chamber of Commerce's website <https://thequietresorts.com/> and social media page. Councilwoman Cary added that she believes it will come in time with the growth.

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

Mayor Duncan adjourned the meeting and thanked everyone for attending.

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING NOVEMBER 6, 2023**

Respectfully submitted,



Loryn Rose  
Administrative Assistant

**EXECUTIVE SESSION**