

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING AUGUST 5, 2024**

Mayor Duncan welcomed everyone and called the meeting to order at 6 o'clock p.m. Councilmembers Dr. Carol Cary, Monroe Hudson, and Gary Steffen were in attendance. Councilman Chris Snader 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 1, 2024, meeting by Mayor Duncan. Councilman Hudson 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 July 31, 2024, bills by Mayor Duncan. Councilman Steffen inquired about a payment made to Ruben Gonzalez. Town Administrator Long indicated it was a reimbursement to a homeowner for overpayment of taxes. Councilman Steffen made a motion to pay all bills as presented. Motion seconded by Councilwoman Dr. Cary and carried by all.

2. Mayor's Report & Comments:

- A. **RESOLUTION AUTHORIZING SUBMISSION OF AN OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) GRANT PROGRAM APPLICATION TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, THROUGH ITS DIVISION OF PARKS AND RECREATION; IDENTIFYING A PROJECT MANAGER FOR THE TOWN PROJECT TO BE FUNDED BY ANY GRANT ASSISTANCE AWARDED; IDENTIFYING AND APPROVING THE TOWN'S FINANCIAL INVESTMENTS FOR THE TOWN PROJECT TO BE FUNDED BY ANY GRANT ASSISTANCE AWARDED; AND CONFIRMING THE TOWN'S COMMITMENT TO MAINTAIN THE TOWN OF SELBYVILLE COMMUNITY PARK THAT IS THE SUBJECT OF THE GRANT APPLICATION AND THE TOWN PROJECT TO BE FUNDED BY ANY GRANT ASSISTANCE AWARDED.**

Mayor Duncan read the Resolution into the Minutes by title only. Town Administrator Long explained that she had applied for a pre-application for the ORPT Grant for Phase 4 at the Town Park earlier this year. The pre-application was accepted, and the Town has been invited to submit the full application. They require a Resolution signed by the Town Council acknowledging the request, assigning the Town Administrator as the Project Manager, identifying financial investments, and committing to maintaining the property. Town Administrator Long stated the

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scope of improvements for Phase 4 at the Town Park includes installing playground equipment for ages 5-12 years old. The playground equipment includes a kid's course, double wave zip slide, and GT-Impax poured in place safety surfacing. They intend to install a walking trail around some of the existing improvements as well. The Phase 4 improvements are estimated to cost \$200,000, and if approved, they are estimated to begin Spring 2025. The ORPT Grant is typically a 50/50 matching grant, however, this project is eligible for the equity incentive due to its location within a vulnerable area based on the CDC Social Vulnerability Index and therefore allows the Town to apply for up to a 75% match. With that being said, the ORPT Grant has capped the maximum amount of grant assistance that can be awarded at \$125,000, so the Town's portion would be \$75,000. Town Administrator Long stated she would like to apply for two additional grants to assist with funding the Town's portion. Councilman Steffen made a motion to adopt this Resolution as presented. Motion seconded by Councilwoman Dr. Cary and carried by all.

**B. RESOLUTION TO UPDATE AND ADOPT A NEW "NOTICE OF VIOLATION" FORM FOR USE IN CONNECTION WITH THE ABATEMENT OF VIOLATIONS OF THE TOWN CODE OF THE TOWN OF SELBYVILLE.**

Mayor Duncan read the Resolution into the Minutes by title only. Town Administrator Long explained that this is to update the "Notice of Violation" form that was originally adopted and uploaded to the Town Code in 2002 to the new form that was created by Administrative Assistant Long. Town Administrator Long stated the new form is still under review. Inspector Merollini explained this form will assist with contacting those in violation and establishing a paper trail for follow-up communication. Councilwoman Dr. Cary made a motion to adopt the Resolution as presented. Motion seconded by Councilman Hudson and carried by all.

3. Reports

A. Police Report – M. Hudson

Chief Wilson reported there were 273 calls for service, 122 tickets issued, and 6 criminal arrests for the month of July. He reported that two officers are out on medical leave, and they have one vacancy. He stated that there may be times when there is no shift coverage and provided the Council with a report that shows when shifts were not covered in July.

He announced that the 4<sup>th</sup> Annual Laura Madara Back to School Health Fair will take place on Saturday, August 17, 2024, from 10:00AM to 1:00PM at the Selbyville Volunteer Fire Company. He stated that officers will be participating in the event and handing out school supplies. Additionally, he announced that DelDOT is hosting a Public Workshop regarding the roundabout at the intersection of Route 54 and Hudson Road on Tuesday, August 6, 2024, from 4:00PM to 7:00PM at the Selbyville Middle School.

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Chief Wilson concluded his report by presenting data from a speed survey they conducted on Bethany Road from July 24, 2024, to August 2, 2024. The total number of vehicles surveyed was 71,669 with an average speed of 29.4 mph. 19.4% of vehicles were traveling below the speed limit. 61.8% of vehicles were traveling moderately above the speed limit which is defined as in the range of 25-34 mph. 18.7% of vehicles were traveling excessively above the speed limit which is defined as above 36 mph. As a result, Councilman Hudson stated he did not believe that they would qualify for the electronic speed enforcement devices due to the way the legislation was written and asked Chief Wilson to confirm and report back to the Council at the next meeting.

**B. Building and Code Enforcement – A. Merollini**

See report for the month of July. Inspector Merollini reported that they conducted 172 building inspections, contacted 10 contractors working in town limits without their Outside Contractor Business License, investigated 12 code violations, and posted 4 Meeting Agendas and 40 Red Notices. He stated that with Inspector Ackerman conducting a majority of the building inspections in the field, he can allocate more time in-house. He commended Administrative Assistant Long for her assistance with making it so they are able to access permit information electronically and creating an online inspection/permit sheet for their use. Inspector Merollini stated that three new building inspections have been added to the list: Base, Pre House-Wrap, and Damp Proof/Drain Tile. Additionally, he announced that building permits are required for solar panels. As a result of previous discussions related to water conservation, developers are waiting to sod lawns until a few days before settlement to help conserve water and reduce the chances of loss of sod.

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

No report for the month of July.

**D. Water – G. Steffen**

See report for the month of July. Councilman Steffen reported that the water plant produced 16,750,705 gallons of water which is an increase of over 650,000 gallons since June 2024. The water plant produced approximately 5,000,000 gallons more in July 2024 than it had in July 2023. We continue to purchase water from Artesian to supplement the water pressure on the eastern side of town. We continue to meet all State and Federal testing requirements. The Water Department continues to read and repair meters as necessary, mark water lines for Miss Utility locate requests, run samples, and flush dead ends. Additionally, they replaced two fire hydrants.

**E. Public Works – G. Steffen**

Councilman Steffen reported that the Public Works Department has been cutting grass, spraying weeds, and cleaning catch basins.

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F. Recreation – G. Steffen

Councilman Steffen reported that Phase 3 improvements are continuing at the Town Park and should be completed soon.

G. Sewer Report – S. Long

See report for the month of July. Town Administrator Long reported the plant had an average daily flow of 1,042,200 gallons and a peak flow of 1,225,000 gallons. The plant performed within all required permit parameters for the month. Town Administrator Long reported that the air system on Oxidation Ditch #2 still needs to be further evaluated. Wastewater Supervisor Stern has been working with Town Engineer Loar of Davis, Bowen, and Friedel, Inc. (DBF) on submitting quotes for Oxidation Ditch #1 as well. She added that the check valve on RAS Pump #3 broke. DSI provided a quote for the repair of \$6,333.98 which was authorized as it was a maintenance repair. Additionally, the pumps at the Shady Grove Pump Station clogged several times due to excessive wipes. Diamond Electric also completed electrical repairs at the Shady Grove Pump Station. The Wastewater Department Operators completed 150 Miss Utility locate requests and several sewer inspections at Schooner Landing, Atlantic Lakes, and Creekhaven.

Town Administrator Long provided a report on behalf of the Town Engineer Loar. She began with an update regarding the Coastal Villages Regional Pump Station. The Town and DBF met with the developer in May 2024. The developer wishes to relocate to the Atlantic Lakes commercial site as they are having contractual issues with the national homebuilder of Coastal Villages, so they are requesting relocation of the regional pump station. It would be the same arrangement where the developer would pay upfront and be reimbursed via sewer impact fee credits. The Town's portion is strictly dependent on how much growth the Town would like to provide in the area. DBF is working with the developer and their contractor on sizing and location, and then the developer will approach the owner of the Atlantic Lakes commercial site to acquire the necessary land. Town Administrator Long suggested reviewing the Minutes of the May 29, 2024, Mayor & Council Special Workshop for more information.

1. Diffuser & Slide Gate Replacement Project – M2 Construction

Town Administrator Long provided the Council with a quote from M2 Construction to furnish and install new slide gates. This had been done to the other oxidation ditch previously. Town Engineer recommended proceeding as this will need to be done for the oxidation ditch diffuser replacement. They are still working on quotes for the oxidation ditch diffuser replacement but intend to have M2 Construction perform the work at the same time. M2 Construction provided a quote for \$96,739 for the replacement of the slide gates. Town Administrator Long explained that this needs to be done to increase the permit levels through DNREC. After a brief discussion, Councilwoman Dr. Cary made a motion to accept the quote from M2 Construction in the amount of \$96,739 for

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the replacement of the slide gates as presented. Motion seconded by Councilman Steffen and carried by all.

**H. Planning & Zoning – S. Long**

1. Report of July 23, 2024, meeting.

See Minutes of the July 23, 2024, meeting.

Town Administrator Long stated that the Planning & Zoning Commission had reviewed the draft Mixed-Use Zoning Overlay District prepared by AECOM. She explained that Kyle Gulbranson, Project Manager of AECOM, suggested that when the required number of parking spaces is currently unavailable and cannot be provided on-site, the applicant shall pay a fee in lieu of one or more required spaces. She added that the sign requirements reference the section of the Town Code within the Historic Zoning Districts. An important requirement in the draft ordinance is that any proposed development seeking the Mixed-Use Overlay shall be required to submit a site plan. A copy of the presentation and a map of where this district would be envisioned is attached to the original July 23, 2024, Meeting Minutes. Town Administrator Long stated that no action was taken during the meeting. AECOM is going to make some additional changes, and then the Planning & Zoning Commission will meet again.

2. Report of July 30, 2024, meeting.

See Minutes of the July 30, 2024, meeting.

Town Administrator Long stated the first item on the agenda was a lot line adjustment for a vacant lot on DuPont Blvd. owned by David Sanchez and Reyna Ventura, TMP #533-16.00-33.00. Chelsea King of Ridgway Law Group presented the lot line adjustment request to the Planning & Zoning Commission. Ms. King explained that when the original survey was prepared in 1977, the surveyor erroneously omitted approximately 12 feet. The survey shows the property line to the tax ditch instead of the center of the tax ditch. The owners of this parcel want to extend the property line to meet the property line of the northern parcel, which they own as well. The Town Engineer has reviewed this lot line adjustment and recommends approval. It was the recommendation of the Planning & Zoning Commission for the Mayor & Council to approve this request. Councilman Hudson made a motion to approve the lot line adjustment as presented. Motion seconded by Councilwoman Dr. Cary and carried by all.

Town Administrator Long stated second item on the agenda was a lot partition located at 221 Hosier Street Ext., owned by Ruth Beauchamp, TMP #533-16.00-16.02. Steve Turner of Cornerstone Surveying represented the applicant when presenting the request to the Planning & Zoning Commission. Mr. Turner explained that this parcel used to be two parcels when Ms. Beauchamp originally purchased them. At some point during settlement, the second parcel was combined with the larger parcel where Ms. Beauchamp's house is currently located. She now

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would like to separate this parcel into two lots. It was the recommendation of the Planning & Zoning Commission for the Mayor & Council to approve this request. Councilwoman Dr. Cary asked if Ms. Beauchamp intends to build on one of the lots. Town Administrator Long stated she believes she intends to sell the property and added that both properties will meet the minimum lot size requirements and setbacks if approved. Councilwoman Dr. Cary made a motion to approve the lot partition as presented. Motion seconded by Councilman Steffen and carried by all.

Town Administrator Long reported the third item on the agenda was withdrawn by the property owner and requested to be on a future agenda when they are ready to proceed.

Town Administrator Long stated the fourth item on the agenda was consideration of Holly Kia/Shared Facilities final site plan for a new/used car dealership, located on DuPont Blvd., TMP #533-16.00-37.00. She introduced Bob Palmer of Beacon Engineering who represented the applicant Jim Ehler of JELE, LLC. Mr. Palmer presented the final site plan to the Mayor & Council. He explained that they have received approval from all the necessary agencies except the Sussex Conservation District. Mr. Palmer gave a summary of the property and the proposed new facility. Approximately a year ago, a lot line adjustment was approved to make this parcel larger, and the southern property owned by Billy Banning smaller. Mr. Banning owned both parcels at that time and then sold this parcel to Mr. Ehler. Notable changes that have occurred since preliminary plan approval was received over a year ago consist of the building being increased from 12,000 square feet to 20,000 square feet due to the addition of 4 new service bays. The parking lot remains the same with the display vehicles in front of the building along with employee and customer parking along the sides. Additionally, there will be a 25-foot pylon sign in the center of the property with the new Kia logo. He stated that the ingress and egress will be a shared cross access easement with the parcel to the south that consists of the X Squad Dance Studio. Mr. Palmer explained that this parcel is located within the well-head protection area of one of the town's wells. He stated that they have worked with the Town's Engineer, Jason Loar of Davis, Bowen & Friedel, and the Town Solicitor to be sure this parcel follows the town's source water protection ordinance. Infiltration is the primary feature for stormwater collection. Mr. Palmer added that they are looking into the possibility of adding gravel into the front display vehicle area only in lieu of pavement. This has proven to be successful at Mr. Ehler's other dealerships to help prevent tracking. He also stated that the surplus storage area was approved for gravel, and the rest of the parking will all be pavement. Mayor Duncan asked if the surplus storage area would be fenced in to which Mr. Palmer replied that it would be. He presented a rendering of the completed site to the Council as well. Mr. Palmer referred back to the lack of approval from the Sussex Conservation District and stated that their reviewer expressed concerns related to liability with the infiltration basin. He explained that after further discussion with the reviewer, he plans to submit the final site plan to the Sussex Conservation District tomorrow and expects to receive their approval this week. It was the recommendation of the Planning & Zoning Commission for the Mayor & Council to approve this request contingent upon receiving Sussex Conservation District's approval. Councilwoman Dr. Cary made a motion to approve the final

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site plan for Holly Kia as presented, contingent upon receiving Sussex Conservation District's approval. Motion was seconded by Councilman Steffen and carried by all.

I. Industrial Park Report – S. Long

No report for the month of August.

J. Annexation Report – C. Cary

1. Report of July 24, 2024, meeting.

- a. **RESOLUTION PROPOSING TO ANNEX CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT LIMITS OF THE TOWN OF SELBYVILLE, OWNED BY MARICRYST BIRAO SANCHEZ AND DAN JASON M. VELEZ, LOCATED AT 32634 LIGHTHOUSE ROAD AND IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-18.00-35.03, CONTAINING 1.15 ACRES, MORE OR LESS; AND TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF SELBYVILLE TO INCLUDE SAID TERRITORY IN THE NB NEIGHBORHOOD BUSINESS DISTRICT; AND ESTABLISHING THAT A PUBLIC HEARING BE HELD ON SAID ZONING AMENDMENT ON THE 9TH DAY OF SEPTEMBER, 2024, AT 6:00 O’CLOCK IN THE EVENING, PREVAILING TIME, AT THE TOWN HALL, 1 W. CHURCH STREET, SELBYVILLE, DELAWARE.**

Councilwoman Dr. Cary read the Resolution into the Minutes by title only. Councilman Steffen made a motion to accept the Resolution proposing to annex certain territory, contiguous to the present limits of the Town of Selbyville, owned by Maricryst Birao Sanchez and Dan Jason M. Velez, located at 32634 Lighthouse Road and identified as Sussex County Tax Map and Parcel No. 533-18.00-35.03, containing 1.15 acres, more or less; and to amend the zoning map and zoning ordinance of the Town of Selbyville to include said territory in the NB Neighborhood Business District; and establishing that a Public Hearing be held on said zoning amendment on the 9<sup>th</sup> day of September, 2024, at 6:00 o’clock in the evening, prevailing time, at the Town Hall, 1 W. Church Street, Selbyville, Delaware as presented. Motion seconded by Councilman Hudson and carried by all.

K. Economic Development Committee – C. Cary

See Minutes of the July 8, 2024, meeting.

- a. Mission Statement

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Councilwoman Dr. Cary read the following proposed Mission Statement into the Minutes: “The mission of Selbyville is to honor our rich history and traditions while actively building a vibrant, inclusive future for all. We are committed to fostering community growth, supporting local businesses, and ensuring a high quality of life for every resident.” Councilwoman Dr. Cary made a motion to accept the Mission Statement as presented. Motion seconded by Councilman Steffen and carried by all.

b. Tagline

Councilwoman Dr. Cary read the following proposed Tagline into the Minutes: “Rooted in History, Growing with Opportunity.” Councilwoman Dr. Cary made a motion to accept the Tagline as presented. Motion seconded by Councilman Hudson and carried by all.

c. Vision Statement

Councilwoman Dr. Cary read the following proposed Vision Statement into the Minutes: “By 2026, through a collaborative process with residents, businesses, schools, and community organizations Selbyville will enhance and strengthen our social and economic future, creating a vibrant and resilient community for generations to come.” She explained this is a goal set by the committee. Councilwoman Dr. Cary made a motion to accept the Vision Statement as presented. Motion seconded by Councilman Hudson and carried by all.

d. Hometown Heroes Banner Program

Councilwoman Dr. Cary asked Town Administrator Long to elaborate. Town Administrator Long explained that the Daughters of the American Revolution reached out and inquired about the Town’s interest in participating in the Hometown Heroes Banner Program. She added that they handle advertising, reviewing the applications, and ordering the banners. Through private donors and fundraising, they are able to purchase the banners. They cover replacement costs of the banners when needed as well. The Town would only be required to purchase the brackets that are required to hang the banners. Town Administrator Long stated that Millsboro displays 30” x 60” banners, and Georgetown displays 18” x 45” banners. The Economic Development Committee and the Public Works Supervisor recommended purchasing brackets for and displaying 30” x 60” banners. They plan to display the banners along Cemetery Road, Church Street, and Main Street at this time. A quote was requested for the brackets for the 30” banners, however, it had not been received yet. She presented the quote for the 18” banners to the Council to give them an idea of the cost in the meantime. For the 18” brackets, the cost breakdown is as follows: \$78.00 for 1 to 22 brackets, \$76.00 for 22-50 brackets, and \$72.00 for 50 or more brackets. Additionally, there will be a rental fee for a forklift for around \$1,200. It was the recommendation of the Economic Development Committee for the Mayor & Council to accept the Hometown Heroes Banner Program. After a brief discussion, Councilman Steffen made a motion to accept the Hometown Heroes Banner Program. Motion seconded by Councilman Hudson and carried by all.



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L. Administrative Report – S. Long

Town Administrator Long reported that she applied for a grant and the Town was awarded \$275,000 from the Community Reinvestment Fund for 2024. This combined with last year's awarded grant funds equals \$545,000 for property acquisition and possibly the design of a new police station. She stated that she would need to reappropriate last year's grant funds to include the property acquisition. She explained that she plans to apply for the grant in 2025 as well, and hopes to receive funding to support the design of a new police station. Additionally, Town Administrator Long reported the Town was awarded \$60,000 for Industrial Park drainage improvements through the Community Transportation Funds allocated by Senator Hocker and Representative Collins. \$80,000 has also been allocated to the Town for four rehabilitations through the Community Development Block Grant with Sussex County.

Town Administrator Long announced there is a new business in town: Teresita Market, LLC. It is located within the Strawberry Center Plaza on DuPont Blvd. It is a Mexican Grocery Store, and they will also make and sell fresh tortillas.

Town Administrator Long reported that 10 letters were mailed to property owners of E Dukes Street Ext. and W Dukes Street Ext. She explained that this began when one of the property owners on E Dukes Street Ext. submitted a letter requesting the street name be changed. She stated that it is a lengthy process, and 10 out of the 17 owners on the deeds have responded in favor of changing the name of the streets. Responses were due July 31, 2024. Councilwoman Dr. Cary inquired about any reasons expressed by property owners against the street name being changed. Town Administrator Long explained that the rest did not express that they were against it, they just did not respond to the letter. Town Administrator Long and the Council agreed to contact the property owners who did not respond and report back at the next meeting.

The next item on Town Administrator Long's agenda was the proposal from AECOM to update the Town's sign regulations and requirements for all zoning districts. She explained that the current Sign Code is outdated. The Economic Development Committee plans to review some sections of the Town Code to make it more business-friendly. AECOM submitted a quote not to exceed \$14,300 and includes a kick-off meeting, a meeting with the staff and Planning & Zoning Commission to identify issues and develop a path forward, a second meeting to review draft updates, and a Town Council Meeting to adopt the updated sign ordinance. Councilwoman Dr. Cary added that the Economic Development Committee conducted an in-depth review of the Sign Code and recommended utilizing AECOM to update it. Councilwoman Dr. Cary made a motion to accept the proposal from AECOM not to exceed \$14,300 to update the Town's sign regulations and requirements for all zoning districts. Motion seconded by Councilman Steffen and carried by all.

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 9, 2024.

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4. Visitors in Attendance:

Daniel Nardone, a resident of Lighthouse Lakes, expressed that he was in favor of the Hometown Heroes Banner Program, however, he offered a suggestion regarding the brackets. He suggested having a utility lineman utilize a bucket truck to hang the brackets since they are a climbing hazard for linemen. Next, Mr. Nardone addressed Chief Wilson and suggested parking a patrol car and installing "Speed Trap Ahead" signs in areas where speed concerns have been expressed. He concluded by suggesting the building inspectors look into utilizing door hangers if they are unable to get in contact with a property owner.

Mary Jo Beach, a resident of Atlantic Lakes, inquired about the proposed Coastal Villages sewer agreement with Atlantic Lakes. She asked for an explanation and where to access the Minutes from that meeting. Town Administrator Long explained that the Minutes are available at [www.selbyville.delaware.gov](http://www.selbyville.delaware.gov) under the Meeting Minutes tab, and that the workshop was held on May 29, 2024. Ms. Beach asked if it was an agreement between the developers and if it would require additional land. Town Administrator Long explained that it is between the developers and that Ms. Beach was referring to the existing pump station which would no longer be in operation at the point. It would be relocated to the corner of Hudson Road and Route 54 and become part of a regional pump station. Town Administrator Long explained that none of this has been approved yet as the developers were having discussions regarding land which had been minimized as a result of the upcoming roundabout being installed by DelDOT. She stated the developers would need to appear before the Council and request approval, so there will be a public meeting if they wish to proceed any further with the regional pump station.

Town Administrator Long reported on behalf of Doug Smith for the monthly report from Mountaire Farms. They performed 89 odor checks since the last town meeting and detected four instances of odor. Two instances of odor were near the cemetery and the other two were near the school on Hosier Street. All systems were inspected and verified operational, and there were no reoccurring issues to address. Additionally, Town Administrator Long reported on behalf of Zach Evans of Mountaire Farms with Mountaire Cares updates. This year is the 30<sup>th</sup> Anniversary of the Thanksgiving for Thousands event, and it will take place on Saturday, November 23, 2024. Registration for boxes will open within the next 30 days, and volunteer registration will begin in mid-September. Community partners and Town Council and staff are invited to participate in the event. They will have live music and provide meals. It is a family-friendly environment.

There being no further business to discuss Councilwoman Dr. Cary made a motion to adjourn the meeting and 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.

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Respectfully submitted,

A handwritten signature in cursive script that reads "Loryn Rose".

Loryn Rose  
HR Specialist

**EXECUTIVE SESSION**