

## **MINUTES OF THE TOWN OF SELBYVILLE TOWN COUNCIL MEETING DECEMBER 2, 2024**

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

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 November 4, 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 November 30, 2024, bills by Mayor Duncan. Mayor Duncan mentioned that the discrepancy in the payment to Rommel's Ace, discussed at the November Town Council Meeting, was due to a computer glitch and has been corrected. Councilman Steffen made a motion to pay all bills as presented. Motion seconded by Councilwoman Dr. Cary and carried by all.

### **2. Public Hearing – Community Development Block Grant**

The Public Hearing was properly advertised in the Coastal Point.

Mayor Duncan opened the Public Hearing at 6:00 P.M. at the Selbyville Town Hall. He introduced Mr. Brandon Hamilton, Rehabilitation Specialists for the Sussex County Community Development and Housing Department. Mr. Hamilton thanked the Mayor and Council for the opportunity to once again present the Community Development Block Grant (CDBG) to the residents of Selbyville. He stated that his office applies for and administers the Community Development Block Grant (CDBG) for Sussex County. They apply for the funding on behalf of municipalities and rural communities within the county. The grant is funded by the U.S. Department of Housing and Urban Development (HUD) and is allocated to Sussex and Kent counties through the Delaware State Housing Authority. Mr. Hamilton stated that this year, approximately \$2,000,000 will be awarded to Kent and Sussex counties on a competitive basis. The Delaware State Housing Authority governs the process and through their consolidated plan lists the activities eligible for funding. Eligible activities include housing rehabilitation, sewer and water hookups, and demolition. The program funds housing rehabilitation to low and moderate income homeowners. This is defined as households with income at or below 80% of the area's median income for the county which is determined annually by HUD. He reviewed the income guidelines. A single-person household can earn a maximum of \$54,750, a two-person household can earn a maximum of \$62,550, a three-person household can earn a maximum of

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\$70,350, and it increases by approximately \$6,000-\$8,000 per person. Repairs may include roofs, doors, windows, electrical and plumbing upgrades, and energy efficiency upgrades. Mr. Hamilton stated that the properties must be homeowner occupied and their primary residence. All property taxes, homeowner's insurance, and utilities must be current. In order to protect the funding, grants less than \$15,000 require a five (5) year lien, and grants between \$15,000 and \$40,000 require a ten (10) year lien. Mr. Hamilton stressed that it does not accrue interest. The purpose of the lien is to encourage the homeowner to remain in the home after it has been repaired. With the lien protection, any sale or transfer that takes place before the lien expires, results in reuse of the funding for another homeowner. If it is a demolition, there is a permanent lien on the property. Mr. Hamilton reported that within the past five years, Selbyville has received \$305,000 in CDBG funding and assisted ten households. They have just begun to use 2024 funding and anticipate assisting an additional four households in Selbyville. Additionally, funds are available from the Sussex County Council for such emergencies as no water, no heat, frozen or broken pipes, severe roof leaks, and handicap accessibility projects. There are currently about 16 homes on Selbyville's waiting list. Mr. Hamilton left the list for the town's review, and he also left information for residents interested in applying. Applications are due in his office by the end of February 2025. The phone number to his office is (302) 855-7777.

The Mayor and Council unanimously agreed that the Community Development Block Grant has been very beneficial to the Town of Selbyville. Mayor Duncan invited the Council to vote on the Public Hearing. Councilwoman Dr. Cary made a motion to continue participating in the Community Development Block Grant. Motion seconded by Councilman Hudson and carried by all. Councilman Steffen made a motion to close the Public Hearing. Motion seconded by Councilman Snader and carried by all.

3. Mayor's Report & Comments:

Mayor Duncan reported he attended the grand opening of the Selbyville Public Library last month and thanked fellow councilmembers, Town Staff, and residents for attending as well. He added that it is a great asset to town. Additionally, he attended Mountaire Farms' Thanksgiving for Thousands program and thanked Loryn Rose, Mackenzie Long, and the rest of the Council and residents who participated. Mayor Duncan also acknowledged the groundbreaking of the new Holly Kia dealership on Route 113.

Mayor Duncan expressed appreciation for the Public Works Department for installing the Christmas lights throughout town and the Code Department for following up on issues that were brought to their attention on Lighthouse Road. Mayor Duncan concluded by inviting all to attend the 63<sup>rd</sup> Annual Christmas Parade on Friday, December 6<sup>th</sup> at 7:00 PM and wishing everyone a safe and Merry Christmas.

**A. A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$50,000.00  
FROM THE DELAWARE DEPARTMENT OF HEALTH AND SOCIAL  
SERVICES, DIVISION OF PUBLIC HEALTH, THROUGH THE WATER**

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**INFRASTRUCTURE IMPROVEMENTS FOR THE NATION SMALL AND  
UNDERSERVED COMMUNITIES EMERGING CONTAMINANT GRANT  
PROGRAM, TO INVESTIGATE THE CURRENT LEVELS OF SPECIFIC  
EMERGING CONTAMINANTS VIA WATER SAMPLING AND TESTING  
WITHIN THE TOWN'S EXISTING WATER SYSTEM AND AUTHORIZING  
THE MAYOR TO EXECUTE ALL DOCUMENTS PERTAINING TO THE  
GRANT FUNDING.**

Mayor Duncan read the Resolution into the Minutes by title only. Councilman Steffen made a motion to accept the Resolution to accept a grant in the amount of \$50,000.00 from the Delaware Department of Health and Social Services, Division of Public Health, through the Water Infrastructure Improvements for the Nation small and underserved communities emerging contaminant grant program, to investigate the current levels of specific emerging contaminants via water sampling and testing within the Town's existing water system and authorizing the mayor to execute all documents pertaining to the grant funding as presented. Motion seconded by Councilwoman Dr. Cary and carried by all.

**B. A RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON  
THE SUBJECT OF AMENDING THE TOWN CODE OF THE TOWN OF  
SELBYVILLE, CHAPTER 200, ZONING ("ZONING CODE"), TO ADD  
REGULATIONS AND PROCEDURES FOR A NEW MU MIXED-USE  
OVERLAY DISTRICT AND TO MAKE OTHER TECHNICAL  
REFERENCES AND ADJUSTMENTS AS NECESSARY ELSEWHERE IN  
THE ZONING CODE.**

Mayor Duncan read the Resolution into the Minutes by title only. Councilwoman Dr. Cary made a motion to accept the Resolution to hold a Public Hearing on January 6, 2025, at 6:00 P.M. at the Selbyville Town Hall, 1 W Church Street, on the subject of amending the Town Code of the Town of Selbyville, Chapter 200, Zoning ("Zoning Code"), to add regulations and procedures for a new MU Mixed-Use Overlay District and to make other technical references and adjustments as necessary elsewhere in the Zoning Code. Motion seconded by Councilman Steffen and carried by all.

**4. Reports**

**A. Police Report – M. Hudson**

Chief Wilson reported there were 219 calls for service, 48 tickets issued, and 4 criminal arrests for the month of November. He stated the Police Department is teaming up with the local elementary school by participating in No-Shave November and December to raise money for Christmas gifts for families in need. Chief Wilson provided a staffing update. There are two officers still on medical leave, and they have four vacancies. Additionally, they anticipate

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picking up one of the new police vehicles within the next week or two which will display the new color and graphics the department plans to utilize.

Mayor Duncan inquired about the current recruiting efforts and asked if they are maintaining 24/7 coverage. Chief Wilson stated they have been advertising the vacancies and have received several applicants. They are awaiting the next Police Academy in Spring 2025 for non-certified applicants and continue to advertise for certified applicants as well. He stated they are not maintaining 24/7 coverage. Councilwoman Dr. Cary inquired about the reach of the job advertisements. Chief Wilson stated they have placed ads in the paper, on multiple websites including but not limited to the Town's and Indeed. Councilman Steffen inquired about the number of absences in the rotation to which Chief Wilson responded was four. Councilman Hudson inquired about how they will go about managing the School Resource Officer (SRO) contract with the recent resignation. Chief Wilson stated he has reached out to the school district and was awaiting their response. Mayor Duncan asked if the Delaware State Police fills in when an officer is not on duty. Chief Wilson acknowledged that the Delaware State Police will respond in that case when there is a call for service.

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

See report for the month of November. Inspector Merollini reported that they issued 43 building permits, conducted 140 building inspections, closed 93 open building permits, contacted one contractor working in town limits without their Outside Contractors Business License, investigated six code violations, had 34 postings, and 31 Red Notice postings. He stated that they conducted 70 rental inspections as well.

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

No report for the month of November. The Dukes Street property previously addressed by the Hazard Inspection Committee continues to make progress, and 3 Lighthouse Road has been sold. Inspector Merollini added that he is attempting to contact the owner of a property on Clendaniel Avenue Ext.

**D. Water – G. Steffen**

See report for the month of November. Councilman Steffen reported that the water plant produced 6,418,481 gallons of water which is a decrease of approximately 4,000,000 gallons since October 2024. We continue to purchase water from Artesian to supplement the water pressure on the eastern side of town. Everything in the plant is running as it should, and we continue to meet all State and Federal testing requirements. The Water Department continues to read and repair meters as necessary and mark water lines for Miss Utility locate requests.

**E. Public Works – G. Steffen**

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Councilman Steffen reported that the Christmas lights are up and have been turned on. Additionally, all trucks and plows are ready for winter. The Public Works Department continues to clean catch basins as needed.

**F. Recreation – G. Steffen**

Councilman Steffen reported that the Public Works Department has winterized the bathrooms at the Town Park. They will reopen in Spring 2025.

At this time, Councilman Steffen read a letter received from Bunting Development Corporation. A copy of the letter is attached to the Minutes. No further comments were made at that time.

**G. Sewer Report – C. Snader**

See report for the month of November. Councilman Snader reported the plant had an average daily flow of 1,024,500 gallons and a peak flow of 1,153,000 gallons. The plant performed within all required permit parameters for the month. Councilman Snader reported the slide gates were ordered, but delivery is still several weeks out. Additionally, he reported they are awaiting a formal proposal for the utility pumps that need to be swapped out. Councilman Snader stated that pumps were changed out at the Bunting's Mill and Sandy Branch Pump Stations. He added that he had been informed that the S/E Sewer Project is in the punch list phase and is nearing completion. Councilman Snader reported that CES cleaned and jetted several of the pump stations. He concluded his report by stating they figured out the issue with the exhaust system at the Lighthouse Crossing Pump Station and it is going to be repaired.

At this time, Mayor Duncan referred back to the Water Department report and inquired about a generator that was down last week. Town Administrator Long and Councilman Steffen stated it had been fixed.

**H. Planning & Zoning – S. Long**

**1. Report of November 26, 2024, meeting.**

See Minutes of the November 26, 2024, meeting.

Councilman Snader stated the first item on the agenda was consideration of a partitioning request located at 210 Hosier Street Ext., District 5-33, Map 16.00, Parcel 16.00, owned by Karen & Keith Long. Town Administrator Long explained that Steve Turner of Cornerstone Surveying presented the partitioning request for the applicants to the Planning & Zoning Commission. This unique piece of property has the same parcel number as two other pieces of property further down the road. The owners obtained a recent survey of the property, and it was discovered the partitioning of the land with the house, 210 Hosier St. Ext., was not followed through years ago when the remaining parcels were partitioned off. It was the recommendation of the Planning &

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Zoning Commission for the Mayor & Council to approve this request. Councilman Snader made a motion to approve the partitioning as presented. Motion seconded by Councilman Steffen and carried by all.

Councilman Snader stated the second item on the agenda was consideration of final plan approval for Selbyville Textile Printing, located at 38177 & 38183 DuPont Blvd., TMP #'s 533-16.11-22.00 & 23.00. Ray Blakeney of Plitko Engineering presented the final plan to the Mayor and Council. This will be a two-story metal building. The first floor is 9,900 square feet and there is a half second floor of 2,700 square feet. There is a small showroom on the first floor to show products. The remaining area will be used to house large-scale plotters and printers. The offices will be located on the second floor. There will not be any drive/walk-up customers, as it is by appointment only. He added that most of their orders are online. Their working hours are approximately 8:00 A.M. to 5:00 P.M. for the office employees and 9:00 A.M. to 5:00 P.M. for the production employees. All required agency approvals have been obtained, and the Town Engineer recommends approval of this project. Mayor Duncan inquired about the type(s) of textiles that will be printed. Mr. Blakeney stated they perform various large-scale textile printing operations such as curtains and wallpaper for example. It was the recommendation of the Planning & Zoning Commission for the Mayor & Council to approve this request. Councilwoman Dr. Cary made a motion to accept the final plan approval for Selbyville Textile Printing as presented. Motion seconded by Councilman Steffen and carried by all.

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

No report for the month of November.

### **J. Annexation Report – C. Cary**

No report for the month of November.

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

No report for the month of November. Councilwoman Dr. Cary stated the next meeting is scheduled for December 9, 2024, at 9:00 A.M. at the Delmarva Design Center.

### **L. Administrative Report – S. Long**

Town Administrator Long stated the first item on the agenda for her report was the consideration on costs share for employer and employee for the Delaware Paid Family and Medical Leave Insurance mandate that goes into effect 1/1/25. More information about Delaware Paid Leave (Paid Family and Medical Leave Insurance Program) can be found at: <https://labor.delaware.gov/delaware-paid-leave-is-coming/>. Town Administrator Long explained that we have opted to utilize the State of Delaware system to manage the program. The program will be funded by 0.8% of an employee's weekly gross salary. Employers can require employees

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to contribute up to half the cost (0.4%). After further review, there was a miscalculation. The correct amount for the Town to fully fund the program would be \$15,377.53 per year and half would be \$7,688.77 per year. Town Administrator Long reiterated that this is a state-mandated program. Funding begins on 1/1/25, however, employees cannot begin submitting claims until 1/1/26. HR Specialist Rose added that the only employees who may opt out are those who work less than 1,250 hours per year. Councilman Hudson recommended the Town fund the program. Town Administrator Long stated that South Bethany elected to fully fund the program because it is a state mandate. Additionally, Millville elected to 100% fund the program., and Millsboro elected to split the funding 50% employer and 50% employee. Mayor Duncan asked where the money would come from. Town Administrator Long stated it is paid quarterly and would be factored into the budget. Councilman Hudson made a motion for the Town to 100% fund the Delaware Paid Leave (Paid Family and Medical Leave Insurance Program) mandate that goes into effect 1/1/25. Motion seconded by Councilman Snader and carried by all.

Town Administrator Long reported the second item on the agenda was discussions on amending Chapter 100-5A. Fire Protection Impact Fee ordinance to revise the language so the fire department impact fees collected will be transferred to the department in whose district the development is located. She explained that this was brought before them via a letter received from the Roxana Volunteer Fire Company. They expressed that, as the first to serve certain properties along Lighthouse Road within the town limits and their fire district, they would like to receive the associated impact fees. They would like to meet to discuss this matter. Town Administrator Long stated that if the Council chooses to move forward with this, they will need to amend the current ordinance as it only references the Selbyville Fire Company rather than the particular department that would be responding. Councilman Steffen asked if this is requested in arrears. Town Administrator Long explained that part of Lighthouse Lakes falls within the Roxana Volunteer Fire Company's fire district, however, money was voluntarily donated at that time, not collected as an impact fee due to an ordinance, so it would be going forward. After a brief discussion, the Council agreed to have the Town Solicitor draft an amendment to Chapter 100-5A. Fire Protection Impact Fee ordinance to revise the language so the fire department impact fees collected will be transferred to the department in whose district the development is located.

At this time, Mayor Duncan reported that he, Town Administrator Long, and Councilman Steffen met with the Vice President of Artesian. He stated there is a piece of property that is going to be developed in the town's Certificate of Public Convenience and Necessity (CPCN) area. They would like to know if the town is going to provide it with water and sewer service or would the town prefer to relinquish it to Artesian. Town Administrator Long stated she will request more information and then they can have a formal vote at the January Town Council Meeting.

Town Administrator Long stated the third item on the agenda was the consideration of beneficial use, deed of dedication and bill of sale for Creekhaven development. The Town Engineer of Davis, Bowen, & Friedel, Inc. has completed his inspections and recommends the town grant

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Beneficial Acceptance and accept the Deed of Dedication and Bill of Sale. Once accepted, the developer will be required to obtain a one year warranty/maintenance bond. Councilman Steffen made a motion to accept beneficial use, deed of dedication and bill of sale for Creekhaven development as presented. Motion seconded by Councilman Snader and carried by all.

Regarding the Special Meeting held on November 4, 2024, with DelDOT about Transportation Improvement Districts (TID), Town Administrator Long reminded the Council that they would need to know if the town would like to participate by the end of January 2025. A TID would replace the need for individual Traffic Impact Studies for developments. She stated this will be put on the January Town Council Meeting Agenda for consideration.

Town Administrator Long referred to the ongoing name change request associated with E Dukes Street Ext. and W Dukes Street Ext. She explained that she had reached out to Sussex County to begin the process. Since that are town-maintained streets, the town needs to come up with approximately five (5) names to change these two streets to. Once that has been done, we can contact Sussex County to be sure there are no duplicated names within a certain service area or zip code. Once decided, the town will need a resolution to make this change and have it voted on. Then, the property owners will need to be notified of the change. Town Administrator Long suggested polling the current property owners on some potential street names.

Town Administrator Long concluded her report by requesting the Board of Election be appointed in anticipation of the March election. She stated that Renda Wise, Bonita Maull, and Virginia Pepper had volunteered to be on the Board of Election. Councilwoman Dr. Cary made a motion to appoint Renda Wise, Bonita Maull, and Virginia Pepper to the Board of Election. Motion seconded by Councilman Hudson and carried by all.

### **5. Visitors in Attendance:**

Diane Schmidt, a resident of Barkley Estates, shared her experience of attending Mountaire Farms' Thanksgiving for Thousands event and commended it as a delightful and memorable occasion. Additionally, she inquired about the process for participating on the Board of Election. HR Specialist Rose explained that anyone who is interested in volunteering to be on the Board of Election, or to work the day of an election, may contact her.

Mike Mercilliott, a resident of Victoria Forest, suggested that the blue town sign on Route 17 be refreshed as it is faded. Mr. Mercilliott also thanked the Council for approving to fully fund the Delaware Paid Leave program for the town employees.

Emily Mais of the Bethany-Fenwick Area Chamber of Commerce offered assistance with any future questions related to the Delaware Paid Leave program as they have been working closely with the Department of Labor. Additionally, the Shop Local Extravaganza event will continue on December 7<sup>th</sup> and 14<sup>th</sup>. There are three businesses participating in Selbyville: Antique Junction, Church Street Fabrics, and Old Town Thrift and Gift. Shop at any of the participating businesses



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on December 7<sup>th</sup> and 14<sup>th</sup> for a chance to win a \$250 Visa gift card. Ms. Mais reported on some upcoming Chamber events. The Fire & Ice Festival is themed "A Weekend for the Books" and will take place January 31, 2025-February 2, 2025. More information can be found at: <https://fireandicede.com/>. Registration is live for the Ocean to Bay Bike Tour. It will be May 2, 2025, and May 3, 2025. More information can be found at: <https://oceantobaybiketour.com/>. Old Timers' Day is scheduled for June 14, 2025. More information can be found at: <https://oldtimersdayde.com/>.

Doug Smith of Mountaire Farms thanked the Council for their continued support of the Thanksgiving for Thousands event. This year was the 30<sup>th</sup> anniversary and they were able to pack 14,500 boxes which provided approximately 58,000 meals. He stated Mountaire Farms is excited to continue supporting the 63<sup>rd</sup> Annual Selbyville Christmas Parade as the presenting sponsor and through providing volunteers. Additionally, Mr. Smith recently attended a class at the new Selbyville Public Library and recommended residents visit their new location. Mr. Smith concluded by reporting they had performed 84 odor checks since the last meeting and detected eight instances of odor. They are continuing to work towards reducing the instances of odor. If residents notice an odor, they may call to report it as well. On behalf of the Council, Mayor Duncan congratulated Amanda Irwin on becoming the new President of Mountaire Farms.

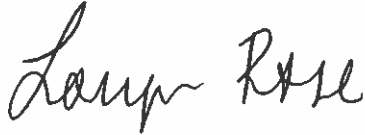
Kevin Lynch, a representative of the Selbyville Volunteer Fire Company, referenced the letter received from Bunting Development Corporation and asked if the town would be moving forward with it. Mayor Duncan stated that the Public Works Manager and Town Engineer have recommended using this property. Town Administrator Long stated that it will be going for a vote at a future Town Council Meeting. Additionally, Mr. Lynch followed up on a suggestion he had made at the last Town Council Meeting and asked if Mountaire Farms had had the chance to investigate the possibility of creating a second entrance/exit for their parking lot. Mr. Smith stated that their Vice President of Operations is getting more information together, and they are looking into having an independent third party look into options as well. Mr. Lynch concluded by inquiring about personnel and injury prevention for the police department. Councilman Hudson stated they would not be discussing personnel in Regular Session.

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



11/27/2024

Mayor Duncan & Selbyville Town Council:

It is our understanding the Town of Selbyville will require a new elevated storage tank to help support the Town's existing and future water system. As a local developer with projects throughout Selbyville, we are always looking for ways to support the Town and its continued growth. To that effect, our team is willing to donate a parcel of land, located off Smith Field Acres Road, to the Town for the sole purpose of constructing a new elevated storage tank.

Sincerely,

Daniel Bunting

A handwritten signature in blue ink, appearing to read "D. Bunting".

Bunting-Macks Development