

Town of Odessa
MINUTES FOR REGULAR TOWN COUNCIL MEETING
MONDAY, OCTOBER 3, 2005 - 7:00 PM
OLD ACADEMY BUILDING

Those present at 7:00 PM:

Mayor Kathy Harvey
Council Member John Freeman
Council Member Karlyn Grant

Treasurer James Grant
Secretary Jessica Norton

8-10 community members

- I. Call to Order and Pledge of Allegiance
- II. Oath of Office- Kathy Harvey read the official election results: Arlene Holden 19, Kathleen Harvey 58. Karlyn Grant swore in the new mayor, Kathy Harvey. Harvey thanked the voters and commented on the press coverage of the election, saying that the phrase “marred by resignations” should be a reminder for the Town government to not go back to that situation, but rather move forward.
- III. Roll Call- John Raudenbush, after previously confirming that he would be in attendance, sent an email at 4:34 PM the day of the meeting stating that work related on-call duties would not allow him to attend. **Council voted unanimously, 3 aye to 0 nay**, to excuse him, but Karlyn Grant recommended contacting him to ask if his family and work obligations were too much for him to uphold his Council responsibilities.
- IV. Council Appointment- There are no volunteers to serve on Council at this time.
- V. Delaware State Police Report- The report was read by Lt. Bailey and is attached hereto as Attachment B. Lt. Bailey also responded to last month’s questions regarding emergency preparedness by making maps and website information available.
www.state.de.us/dema/brochures/pseg_calendar
She also commented on last month’s traffic speed concerns and reported that traffic patrol cars did find automobiles driving in excess of 60 miles per hour in Odessa’s 35 mph zone.
- VI. Approval of Minutes- Regular Meeting 9/6/05
MOTION BY JOHN FREEMAN, SECONDED BY KARLYN GRANT: THAT THE MINUTES FROM THE REGULAR

**MEETING OF MAYOR AND COUNCIL ON SEPTEMBER 6, 2005
BE ACCEPTED.**

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- VII. Correspondence
- A. An invitation to a Veteran's Day event
 - B. An explanation from Century engineering, addressed later under "Town Boundaries"
 - C. Letter from DelDOT acknowledging receipt of letter in opposition to the Blue Route. Harvey reminded residents to fill out and return their surveys.
 - D. Letter from Odessa Fire Company providing new contact information after miscommunication about election hours. The Town responded with a letter of thanks and apology.
- VIII. Treasurer's Report- Treasurer Grant distributed and summarized the Balance Sheet and Profit & Loss Budget Performance, attached hereto as attachments C and D.
- A. Treasurer Grant said he will send notices to overdue taxpayers. He asked Council whether or not he should allow a 15 day grace period before imposing past due fines, since this is the first year that the due date has been in September.

MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT CITIZENS BE GIVEN AN ADDITIONAL FIFTEEN (15) DAYS TO PAY THEIR TAXES WITHOUT PENALTY.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

Action: Treasurer Grant will send out overdue notices.

- B. Treasurer Grant pointed out that the budget will have to be adjusted to reflect outstanding bills from the State Police from the previous fiscal year.
- C. IDS has requested a fuel surcharge (Attachment E). The money would have to come out of the budget. Kathy Harvey feels that the Town signed a contract without a provision for a surcharge and therefore should not have to pay it.

MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT THE TOWN REJECT THE FUEL SURCHARGE AND WRITE A LETTER TO IDS INFORMING THEM OF THE DECISION.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

Action: Jim Grant will write the letter.

- D. Website Servicing Agreement- Council amended the agenda to consider Anthony Manista's proposed website servicing agreement under the Treasurer's report, as it is considered a budget expense. Karlyn Grant said that though Mr. Manista made a beautiful site, she cannot justify the expense when Council just rejected an 11-cent fuel surcharge. Harvey asked Manista if he would return the domain name, to which he responded, "Absolutely not." Mainsta pointed out that Council approved a salary for its attorney of \$190/hour, suggesting that one hour less per month could pay his own fee, but Grant and Harvey replied that the Town has not even used its attorney yet. Harvey brought conversation to a close by announcing that the Town has had an offer from someone else to do the website for free and reiterating that the Town recently raised taxes and cut services, not leaving any extra money for Manista's proposal.

MOTION BY KATHY HARVEY, SECONDED BY KARLYN GRANT: THAT THE TOWN NOT ACCEPT MR. MANISTA'S PROPOSAL FOR WEBSITE SERVICING.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- E. One building permit was issued during the month of September.

MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: TO ACCEPT THE TREASURER'S REPORT.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

IX. Commission Reports

- A. Historic- approved replacement windows on Amey property, will consider Odessa Fire Company's request for light upon receipt of proper paperwork, decided to complete David Ames' work on Historic Guidelines based on research and examples from other communities.
- B. Parks- will meet to allot money for Halloween in the Park.
- C. Trees- completed survey of Town.
- D. Planning- meeting twice a month. See posted agendas for specific meeting topics. Commission is addressing community concerns and tightening definitions. Amendments to Zoning Ordinance will be presented in stages.

X. Old Business

MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT REZONING REQUEST-FAHEY, HISTORIC GUIDELINES, ZONING ORDINANCE, AND GRASS AND DEBRIS VIOLATIONS BE REMOVED FROM THE AGENDA UNTIL RESPONSIBLE PARTIES CONTACT THE TOWN.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

A. House Bill 172 (Handicapped Parking)- Kathy Harvey reported that she asked other communities about their ordinances, and they do not have one. She is still waiting on clarification before proceeding.

B. DelDOT'S Transportation Plan Status

- i. **MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT THE 299 LANDSCAPING PROJECT AND MAJOR TRANSPORTATION PLAN BE REMOVED FROM THE AGENDA UNTIL NOTICE FROM DELDOT TO CONTINUE.**

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- ii. "Do Not Enter" / "No Right Turn" Signs on Side Streets- Ordinance 2005-4 did not pass last time it was put before Council. Council had requested that a larger poll be taken, and Harvey announced the results: 52 in favor of the new signage, 20 not in favor. She asked Council to reconsider Ordinance 2005-4, explaining that the process would have to start from the beginning again.

MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT COUNCIL RECONSIDER "DO NOT ENTER" AND "NO RIGHT TURN" SIGNS ON SIDE STREETS.

John Freeman seconded the motion, but added that he would like to walk the streets himself.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

C. Town Boundaries- Kathy Harvey read the response from Century Engineering, attached as Attachment F, stating that it was still not an adequate explanation, as there is no paperwork to show what work had actually been done. Audience member and former Council Member Jerry Unruh summarized his understanding of the work that had been done, stating that the former Mayor had corresponded with Century. Harvey has thus far been unable to locate any correspondence, but will continue to look. She feels that the Town cannot justify spending \$6000 when we can't see what the initial \$3000 bought. Treasurer Grant found correspondence regarding \$609.50 that was paid.

Action: Harvey will look over the bill for \$609.50, copy it for Council, and continue to look for other correspondence.

- D. Sidewalk / Right-of-way Clean-up- The Tree Commission will discuss the survey at its next meeting, and the Town will take action next month if necessary.
- E. Jake Brake Signs- Council is still waiting for the results of DelDOT's traffic study. Jerry Unruh asked Lt. Bailey about noise laws. Bailey responded that the State has a new law, but she does not know when it will take effect.
- F. Speed Bumps-

MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: TO UN-TABLE THIS AGENDA ITEM.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

Both Karlyn Grant and John Freeman recommended removing speed bumps from the agenda, hoping that the sign ordinance will pass.

MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: TO REMOVE SPEED BUMPS FROM THE AGENDA.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- G. Mechanic Street- Restoring 2-way Traffic Flow- Council is awaiting a response from DelDOT.
 - H. Takeover of Diemler Street- Authorize Payment: Mr. Kielkopf waived the \$1 transfer fee.
- XI. New Business
- A. Delaware Wild Lands, Old Academy Lease- Harvey explained that she had directly communicated with John Raudenbush regarding the importance of his attendance at tonight's meeting in order to address DWL's request. Mr. Raudenbush was not in attendance, and Harvey has a conflict of interest, so Council was not able to vote on the lease request. Karlyn Grant and John Freeman both recommended renewing the lease, Grant adding that she would like to let Delaware Wild Lands know, possibly in a letter, that they are considering the request. Jim Grant highly recommended renewing the lease. Harvey explained that the Town cannot afford utilities without a renter, and that the tenant cannot be just anyone, but must be a not-for-profit organization in keeping with the Old Academy's history as a non-conforming building
 - B. NCC Emergency Operations Plan- Copies of the plan have been given to the Trees Commission and the Odessa Fire Company. New Castle County will continue to communicate with the Town to evaluate

needs.

C. Halloween Patrol

MOTION BY JOHN FREEMAN, SECONDED BY KARLYN GRANT: TO PAY THE POLICE FOR THREE HOURS OF PATROL ON OCTOBER 30 AND THREE HOURS OF PATROL ON OCTOBER 31.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

XII. Next Meeting's Date and Time: November 7, 7:00 PM

Harvey reminded Council that they did meet in July, which is usually designated as a month off and asked if Council wanted to consider taking a different month, possibly December, off.

XIII. Adjournment

MOTION BY JOHN FREEMAN, SECONDED BY KARLYN GRANT: TO ADJOURN.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

The meeting adjourned at 8:38 PM.

Minutes Approved:

11/7/05

Jessica Norton