

Town of Odessa
MINUTES FOR REGULAR TOWN COUNCIL MEETING
MONDAY, FEBRUARY 6, 2006 - 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

13 community members, including 4 Verizon representatives and Representative Cathcart

I. Call to Order and Pledge of Allegiance- The meeting was called to order at 7:04 PM.

II. Roll Call

MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: TO NOT EXCUSE JOHN RAUDENBUSH.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

III. Approval of Minutes- Regular Meeting 1/9/06

MOTION BY KARLYN GRANT: SECONDED BY JOHN FREEMAN: THAT THE MINUTES FROM THE REGULAR MEETING OF MAYOR AND COUNCIL ON JANUARY 9, 2006 BE ACCEPTED.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

IV. Correspondence

- A. DelDOT- in response to Town's letter regarding transportation issues
- B. Complaint regarding Odessa Fire Company
- C. Attorney for Odessa Fire Company- stating that the Board of Directors has met and reviewed rental policy and agreed not to rent for fundraising events. Mayor Harvey reported that she met with the Fire Company, but that they did not address the issue of public gatherings, but rather issues concerning growth and transportation. She will offer to meet with the Fire Company again before the ordinance is written. Councilmember Karlyn Grant requested that the Fire Company meet with Council. Councilmember John Freeman pointed out that the letter did not address the issue of security.

Action: Council will meet with the Odessa Fire Company.

- D. Verizon- regarding fiberoptic service
- E. Complaint regarding off-road vehicle problems on Mechanic, Leahy, and Diemler Streets. Mayor Harvey described the problem; that people are riding their dirtbikes and ATV's on streets and private property and that it is against the law. She talked to one property owner who did not give permission for off-road ridings and will post the property. Harvey reminded residents that vacant property is not a playground and that they need permission to ride. She also pointed out the problem of liability.

- V. Delaware State Police Report- The report was read by Lieutenant Bailey and is attached hereto as Attachment B.

Lt. Bailey addressed the issue of off-road vehicles on the west side of town. She reminded residents that it is unlawful to drive an unlicensed vehicle on the road, sidewalks, or private property without permission or to cause destruction to ground or crops. She also stated that riders must, by law, stop and identify themselves for a property owner or police officer. She encouraged residents to call Troop 9 when they see off-road vehicles on the road. John Freeman expressed concern over the Town's lack of a noise ordinance; and Mayor Harvey reiterated that all residents should call about the ATV's. She added that known motorists had been issued certified letters regarding riding on one particular property in Town.

Lt. Bailey reported that she has been in communication with DelDOT and that they will hold off on any changes to the 299/13 interchange until after the new side street signs have been posted. She did, however, see car counters at the intersection.

Bailey reported that the perpetrator who had been stealing cemetery flowers has been caught thanks to citizen information and that he is no longer allowed in the cemeteries.

Audience members raised questions regarding right turns from the shoulder on eastbound 299 at Route 13S. Bailey replied that motorists are being stopped and warned or ticketed, but that she has communicated to DelDOT that signs and lane markings need to be more clear.

- VI. Treasurer's Report- Treasurer Jim Grant read the Balance Sheet and Profit & Loss Budget Performance, attached hereto as attachments C and D respectively. He asked to be reimbursed \$199 for check writing expenses. He will look into a check card for the Town.

MOTION BY JOHN FREEMAN, SECONDED BY KATHY HARVEY: TO REIMBURSE JIM GRANT \$199.

VOTE: 2 AYE, 0 NAY, KARLYN GRANT ABSTAINING

Motion could not be carried, but Harvey feels that a motion is not necessary, and that public acknowledgement is enough to justify the expense.

- A. Amend Budget: State Police- Treasurer Grant asked Council to allot an additional \$7500 from real estate transfer money in anticipation of additional police patrol due to new signage, both to enforce the new signs and to patrol the increased traffic on 299. Harvey clarified that the hourly rate for police patrol is increasing by \$10 per hour.

MOTION BY JOHN FREEMAN, SECONDED BY KARLYN GRANT: TO AMEND THE BUDGET AND ADD \$7500 TO THE STATE POLICE BUDGET.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

VII. Commission Reports

- A. Historic- Minutes are posted; they are working with an architect on Historic Guidelines.
- B. Trees- entertaining bids for second phase of tree work; work should fit into budget.
- C. Planning- Minutes are posted. They are starting the process to amend the Zoning Ordinance with a series of amendments that they will introduce in increments. A representative from the University of Delaware will attend the February meeting.
- D. Parks- Tonight will be the first reading of Ordinance 2006-1 to repeal the Parks Commission.

VIII. Old Business

- A. House Bill 172 (Handicapped Parking)- Representative Cathcart reported that the state hopes to introduce an amendment which would exempt small municipalities in March.
- B. Sidewalk / Right-of-way Clean-up- addressed under Trees Commission.
- C. Jake Brake Signs- The ordinance has been sent to DelDOT. Harvey spoke to Steve Truet, who said that he is working on it and that there is no problem with the ordinance, but will be difficult to enforce. Harvey described the signs as a deterrent.
- D. Mechanic Street- Restoring 2-way Traffic Flow- DelDOT does not see a safe possibility, but will study the area during the traffic count.

- E. NCC Emergency Operations Plan- This is a matter of filling out and returning paperwork to New Castle County and asking agencies such as Forestry and the Odessa Fire Company for recommendations.

MOTION BY KATHY HARVEY, SECONDED BY KARLYN GRANT: TO REMOVE NCC EMERGENCY OPERATION PLAN FROM THE AGENDA.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- F. Draft Ordinance: Public Gatherings- Harvey does not want to submit a draft ordinance before meeting with the Fire Company.
- G. Leaf Recycling- Harvey apologized that she did not have time to write the grant. She will talk to the Tree Commission about public information on recycling.

IX. New Business

- A. First Reading: Ordinance 2006-3: An ordinance granting non-exclusive cable franchise to Verizon Delaware, Inc.- Harvey introduced the representatives from Verizon and pointed out some details of the agreement which was presented last month including 3% franchise fee and free service to public buildings. After thereading, Verizon commented that their company has provided this area's phone service for 100 years and applauds the Town's for these first steps.

Action: Jessica Norton will post the synopsis.

- B. First Reading: Ordinance 2006-1: An ordinance to repeal Odessa Parks Commission Ordinance- Harvey stated that maintenance cost can be absorbed in the budget and that activities can be run by volunteers.
- C. First Reading: Ordinance 2006-2: An ordinance to amend Zoning Ordinance 97-1 section 80.1- A public hering will be held on March 6 at 6:30 PM. Resident Anthony Manista spoke up from the audience, expressing his displeasure at the proposed change to the Zoning Ordinance, calling it a political favor to the Town's only museum without regard to parking plans and not specifying criteria or consequences.
- D. Mosquito Control- the proposal is the same as last year with a map delineating one no-spray zone. Spraying starts in March.

MOTION BY JOHN FREEMAN, SECONDED BY KARLYN GRANT: TO SIGN AND RETURN THE POLICY WITH DNREC FOR MOSQUITO CONTROL.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

Action: Kathy Harvey will sign and return the policy.

E. Appointment to Planning Commission

MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: TO APPOINT JOAN MASON TO THE PLANNING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING IN MAY 2006.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

X. Next Meeting's Date and Time: March 6. Public Hearing at 6:30, Regular Meeting at 7:00.

XI. Adjournment

Harvey addressed Council and audience, stating that the purpose of a Comprehensive Plan is that rezoning cannot occur if it is not in the Plan. Amending the Zoning Ordinance is a separate task. The Planning Commission is starting with changes such as the one introduced tonight and the definition of home versus center daycares as these are the types of changes that can be made without changing the Comprehensive Plan. Bigger changes, such as annexation, are coming. She thinks that Ordinance 2006-2 is very specific and the consequences to which Mr. Manista alluded are all specified in the larger Zoning Ordinance, of which this ordinance is merely a portion. She encouraged residents to come to the Planning Commission meetings and said that she wants to see the Town's buildings up and running, not vacant, and those businesses that are already running to be financially sound.

MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT THE MEETING BE ADJOURNED.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

The meeting adjourned at 8:19 PM.

Minutes Approved: _____