

Town of Odessa

MINUTES OF REGULAR TOWN COUNCIL MEETING MONDAY, MAY 2, 2005

Those present at 7:00 PM:

Acting Mayor Kathy Harvey
Council Member Jacqueline Fox
Council Member John Raudenbush

Treasurer James Grant
Acting Secretary Jessica Norton

24 community members

- I. Call to Order and Pledge of Allegiance: Acting Mayor Kathleen Harvey called the meeting to order at 7:06 PM.
- II. Appointment of Vacant Council Seat (remainder of William Allen's term): Ms. Harvey explained that last year's proposed change to the charter that would allow for an election to fill vacant council seats was never finalized, therefore the old charter still applies and the vacant seat should be filled by appointment. Jacqui Fox assured the community members present that choosing one nominee was a difficult decision as three capable individuals had volunteered.

MOTION BY MS. FOX, SECONDED BY ACTING MAYOR HARVEY: THAT KARLYN GRANT BE APPOINTED TO THE VACANT COUNCIL SEAT.

John Raudenbush did not second the motion as he felt that the position should be filled by a popular vote. Harvey felt it was important to fill the position as quickly as possible according to the current charter so that the town can get back to conducting business as usual. She seconded the nomination.

MOTION PASSED UNANIMOUSLY. VOTE: 3 AYE, 0 NAY

Acting Mayor Harvey immediately swore in Karlyn Grant. Grant took her seat at the Council table.

- III. Delaware State Police Report: The report was read by Lt. Galen Purcell.
- IV. Approval of Minutes

- a. **MOTION BY MR. RAUDENBUSH, SECONDED BY MS. FOX: THAT THE MINUTES FROM THE REGULAR COUNCIL MEETING ON MARCH 7, 2005 BE APPROVED AS AMENDED.**

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY.

- b. **MOTION BY MR. RAUDENBUSH, SECONDED BY MS. HARVEY: THAT THE MINUTES FROM THE REGULAR COUNCIL MEETING ON MARCH 14, 2005 BE APPROVED.**

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- c. **MOTION BY MS. GRANT, SECONDED BY MS. FOX: THAT THE MINTUES FROM THE REGULAR COUNCIL MEETING ON APRIL 4, 2005 BE APPROVED.**

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- d. **MOTION BY MS. FOX, SECONDED BY MS. GRANT: THAT THE MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING ON APRIL 12, 2005 BE APPROVED.**

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- e. Ms. Fox and Ms. Harvey both expressed their gratitude to Sue Lamblack for her assistance with notices and minutes while the town was without a secretary.
Action: Ms. Fox will write a thank you letter to Ms. Lamblack.

- f. Representative Richard Cathcart reported on the Town meeting he held on April 28. He urged the more than 20 citizens in attendance to get involved in the Town's business. He was pleased with the results as the meeting prompted 11 participants to volunteer for vacant commissions. The Council thanked Rep. Cathcart for his involvement.

- g. Ms. Harvey reported on the meeting between the Council and residents and DelDot. She noted that the citizens in attendance were pleased to be included in the discussion.

V. Correspondence

- a. Ms. Harvey read a letter from the Women's Club of Odessa requesting use of the Old Academy Building. A reply is due by June 1. No action was taken at this time.
- b. Ms. Harvey read a letter from the Department of Community Services regarding various housing programs in which the Town has participated in the past. If the

Department is not notified, renewal will occur automatically. No action taken at this time.

- VI. Treasurer's Report: The Treasurer's report was read by Jim Grant with a copy attached hereto as attachment B.

MOTION BY MS. FOX, SECONDED BY MR. RAUDENBUSH: THAT THE TREASURER'S REPORT AS OF APRIL 30, 2005 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- VII. Commission Reports:

- a. Parks- Jacqui Fox reported on the Commission's discussions about how to pay for the portable toilet at the park and it's decision to ask the Town to donate the money.

MOTION BY MS. GRANT, SECONDED BY MR. RAUDENBUSH: THAT THE TOWN PAY FOR THE PARK "HONEY DIPPER" AT A RATE OF \$255 FOR 3 MONTHS.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- b. Historic- Last month's report was received and moved to a workshop. Discussion from community audience included briefing new commission members about historic guidelines, a cease and desist order discussed with the previous mayor, and recommendations for the old Gulf Station. Ms. Harvey announced that the pipe on the Gulf Station property had been removed today and that lines of communication are open with Mr. McLane, the owner.

- VIII. Old Business:

- a. Old Academy Roof Status

- i. Harvey stated that a letter had been sent to Mr. Wallace who agrees to comply with the May 22 deadline.

- ii. Harvey asked Council permission and **MS. GRANT MADE A MOTION, SECONDED BY MR. RAUDENBUSH, THAT HARVEY EXPLORE GRANT POSSIBILITES FOR REPLACING THE MAIN ROOF AT THE OLD ACADEMY.**

A member of the audience urged that the Council consult with the Historic Commission on what type of roof would be acceptable before getting an estimate.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

Action: Kathy Harvey will research grants.

- b. Comprehensive Plan Update- Ms. Harvey and Ms. Fox emphasized importance of hearing citizens' input for Plan.

MOTION BY MR. RAUDENBUSH, SECONDED BY MS. FOX: THAT TWO TOWN MEETINGS ON THE COMPREHENSIVE PLAN BE SCHEDULED FOR MONDAY, MAY 16 AND TUESDAY, MAY 17 AT 7:00 PM AT THE OLD ACADEMY.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- c. Del Dot Transportation Plan Status
 - i. Landscape enhancement on Main Street/299 between Rt. 13 North and South- Ms. Harvey summarized the landscaping plan, including "Town of Odessa" signs, by referring to the Town map. Citizens gave overall approval, but want to be involved in planting and expressed concerns over cars on the grass, use of ground cover, and placement of reflectors, for which they suggested a more favorable "hitching post" design. Harvey explained the Town's responsibility for a \$2000 cash or in-kind match and mentioned the possibility of the Department of Forestry's help with the latter. The audience voiced concern over the care of the plants. It was determined that maintenance would come in part from the Town and in part from the residents with suggested communication with the Odessa Fire Company (for help with watering), the Tree Commission (for replacement of dead trees), and the Historic Commission (which can make recommendations for the signs, but will ultimately be presented with designs from the lowest bidder.)

MOTION BY MR. RAUDENBUSH, SECONDED BY MS. FOX: THAT THE TOWN ADMINISTRATOR WORK WITH DEL DOT TO PROCEED WITH THE PLANS.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- ii. Much discussion on the "signage" (No Right Turn, Do Not Enter) phase of the plan brought to light many concerns over traffic back-ups, speeding on side streets, and turning on red lights caused by the more than 700 cars that use Odessa's side streets to avoid the major intersection. Initial polls show that residents overwhelmingly support the installation of "Do Not Enter" and "No Right Turn" signs on High, Osborne, and Tatman Streets.

Action: This issue will be tabled until the June 6 meeting, at which time Kathy Harvey will have the final poll results and the ordinance from DelDOT.

Other solutions such as Jersey barriers and portable speed bumps may also be considered at that time. Ms. Fox also recommended that particular attention be given to input from local residents whose travel patterns would be affected by new signage.

- iii. Harvey recommended that the issue of Town Boundaries go to a workshop as there has been talk of New Castle County's ceding the property rather than the Town's having to annex it. She offered to compile the paperwork for the Council's consideration. An audience member recommended consulting historic maps in order to place boundary markers. The issue was tabled until June 6.

- d. Jake Brake Signs-

MOTION BY MR. RAUDENBUSH, SECONDED BY MS. FOX: TO PROCEED WITH THE PURCHASE OF 2 JAKE BRAKE SIGNS FROM A SIGN SHOP.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

Action: Kathy Harvey will call a sign shop and order the signs.

- e. Ordinance for State-Funded Projects- Harvey reported that certain projects are 20-30% more expensive if managed by DelDOT rather than the Town Administrator. She recommended further research to determine a dollar amount before writing an ordinance.

MOTION BY MS. FOX, SECONDED BY MR. RAUDENBUSH: THAT THE ORDINANCE REGARDING STATE-FUNDED PROJECTS BE TABLED UNTIL JULY.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- f. Historic Guidelines Status- Though Ms. Harvey was of the opinion that the Council cannot proceed on this item until the Historic Commission is operating, audience comment prompted a discussion of what has been done so far. In summary, after much money spent and numerous attempts to obtain examples from other sources, the Commission has little to show, fears community response to a finished document, and questions whether the guidelines could be enforced.

MOTION BY MS. GRANT, SECONDED BY MR RAUDENBUSH: THAT A LETTER BE SENT TO THE UNIVERSITY OF DELAWARE STATING THE TOWN'S DISPLEASURE IN THE WORK'S NOT BEING COMPLETED IN A TIMELY MANNER AND ITS INTENTION TO NOT PAY.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

Action: Kathy Harvey will write the letter.

- g. Historic Commission Request Regarding Gulf Station- Ms. Harvey is communicating with Rich McLane about removing the pipe and orange fence on his property.

MOTION BY MS. FOX, SECONDED BY MR. RAUDENBUSH: THAT THIS ISSUE BE TABLED UNTIL JUNE 6.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- h. Sidewalk/Right-of-Way Clean-up- Ms. Harvey explained that the Town has already sent friendly reminders to property owners about cleaning their walkways, She cited the ordinance and noted that now it is the Council's responsibility to mail official letters to those who have not complied. Audience asked for clarification on their responsibility and it was determined that the Town is responsible for the area between the curb and sidewalk or one foot behind the power lines. Citizens voiced opinion that Town has not adequately maintained that area.

MOTION BY MS. FOX, SECONDED BY MR RAUDENBUSH: THAT THE TOWN POST REMINDER NOTICES AND REVISIT THIS TOPIC ON JUNE 6, ASSUMING THAT THE TOWN WILL HAVE DONE ITS PART TO MAINTAIN PASSAGEWAYS.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- i. **MOTION BY MS. GRANT, SECONDED BY MR. RAUDENBUSH: THAT THE LAST FOUR ITEMS UNDER OLD BUSINESS; PARKS COMMISSION MISSING MONEY, HOUSE BILL 172, REZONING REQUEST, AND 610 MAIN STREET; BE TABLED UNTIL THE JUNE 6 MEETING AT WHICH TIME THEY WILL BE MOVED TO THE TOP OF THE AGENDA.**

Concern raised from audience that the rezoning request will be continually postponed until the Comprehensive Plan is completed. Ms. Harvey responded that the Plan and rezoning go hand in hand and changes can happen in one action. Council voiced opinion that it does not have enough information to discuss right now; issue will be revisited at Comprehensive Plan meeting on May 16 and 17.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

IX. New Business:

a. Commission Appointments-

- i. **MOTION BY MS. FOX, SECONDED BY MS. GRANT: THAT CAROL COLEMAN BE APPOINTED TO THE PLANNING COMMISSION FOR A 3 YEAR TERM ENDING IN 2007.**

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- ii. **MOTION BY MS. FOX, SECONDED BY MR. RAUDENBUSH: THAT CONNIE MILLER AND TOM NORTON BE APPOINTED TO THE PLANNING COMMISSION FOR 3 YEAR TERMS ENDING IN 2008.**

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- iii. **MOTION BY MS. GRANT, SECONDED BY MS. FOX: THAT BETTS JACKSON BE APPOINTED TO THE HISTORIC COMMISSION FOR A 3 YEAR TERM ENDING IN 2006.**

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- iv. **MOTION BY MS. FOX, SECONDED BY MR. RAUDENBUSH: THAT LAURA BEDZYK BE APPOINTED TO THE HISTORIC COMMISSION FOR A 3 YEAR TERM ENDING IN 2008.**

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- v. **MOTION BY MS. FOX, SECONDED BY MS. GRANT: THAT RUSTY HARVEY BE APPOINTED TO THE BOARD OF ADJUSTMENT FOR A 3 YEAR TERM ENDING IN 2007.**

MOTION PASSED. VOTE: 3 AYE, 0 NAY, K. HARVEY NOT VOTING

- vi. **MOTION BY MS. GRANT, SECONDED BY MS. FOX: THAT AMY OTTINGER BE APPOINTED TO THE BOARD OF ADJUSTMENT FOR A 3 YEAR TERM ENDING IN 2008.**

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- vii. **MOTION BY MR. RAUDENBUSH, SECONDED BY MS. GRANT: THAT DAVID FOX BE APPOINTED TO THE PARKS COMMISSION FOR A 3 YEAR TERM ENDING IN 2008.**

MOTION PASSED. VOTE: 3 AYE, 0 NAY, J. FOX NOT VOTING

- viii. The council was uncertain as to William Allen's status on the Tree Commission. Fox suggested revising the ordinance to allow more "home owners" on the commission.

MOTION BY MS. FOX, SECONDED BY MS. GRANT: THAT THE COUNCIL WRITE A LETTER TO WILLIAM ALLEN TO DETERMINE WHETHER HIS RESIGNATION APPLIED TO BOTH THE COUNCIL AND TREE COMMISSION AND TABLE THIS APPOINTMENT UNTIL JUNE 6.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

b. Appointments-

- i. **MOTION BY MS. GRANT, SECONDED BY MR. RAUDENBUSH: THAT JESSICA NORTON BE APPOINTED AS TOWN SECRETARY AS OF MAY 1, 2005.**

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

Salary will be set at Budget Workshop. Hours worked in April will be added to May.

- ii. **MOTION BY MS. FOX, SECONDED BY MS. GRANT: THAT THE TOWN CONTINUE TO CONTRACT WITH SAM TRICE AS ZONING ADMINSTRATOR AND BUILDING INSPECTOR.**

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- iii. **MOTION BY MS. GRANT, SECONDED BY MS. FOX: THAT CLIFF HEARN BE HIRED ON A CASE TO CASE BASIS AT HIS PRESENT RATE OF \$125/ HOUR.**

Ms. Fox felt that the Council should officially advertise for a new attorney, but agreed to use Hearn in the meantime. An audience member felt that the Town should not let itself be caught unprepared and Harvey indicated that there may soon be a need for a Town Solicitor in a case involving Kielkopf's land permits. Raudenbush expressed the need to discuss the specific duties of the position.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

Action: Ms. Harvey will contact Mr. Hearn.

- c. Trash Contract- This agenda item was moved to the Budget Workshop.
- d. Workshop Meeting- Council was hopeful that some issues will be resolved at the Comprehensive Plan meetings, the Budget Workshop, and the next meeting of Council and Mayor.

MOTION BY MS. FOX, SECONDED BY MR. RAUDENBUSH: THAT THIS AGENDA ITEM BE TABLED UNTIL JUNE 1.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

- e. Ordinance 2005-1; An ordinance to establish two classes of subjects for taxation of real estate- amended to delete Section 6. First reading by Kathy Harvey.
- f. Ordinance 2005-2; An ordinance to set the due date for property taxes and other charges payable to the Town and penalty for delinquent taxes. First reading by Kathy Harvey.
- g. Next Meeting Date and Time- Monday, June 6, 2005 at 7:00 PM

MOTION BY MS. FOX, SECONDED BY MS. GRANT: THAT THE MEETING BE ADJOURNED.

MOTION PASSED UNANIMOUSLY. VOTE: 4 AYE, 0 NAY

The meeting was adjourned at 10:21 PM.

Accepted
6/6/05
Jessica Horton