

**Town of Odessa**  
**MINUTES OF THE REGULAR MEETING OF MAYOR AND COUNCIL**  
**TUESDAY, JULY 5, 2005 - 7:00 PM**  
**OLD ACADEMY BUILDING**

Those present at 7:00 PM:

Acting Mayor Kathy Harvey  
Council Member Jacqueline Fox  
Council Member Karlyn Grant

Treasurer James Grant  
Secretary Jessica Norton

11 community members

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- I. Call to Order and Pledge of Allegiance: Acting Mayor Kathleen Harvey called the meeting to order at 7:08 PM.
- II. Roll Call: Council Member John Raudenbush was not present. No other Council Member was aware of an excuse for his absence. This agenda item was revisited at the end of the meeting.
- III. Delaware State Police Report: No representative of the State Police was present.
- IV. Approval of Minutes:  
**MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT:  
THAT THE MINUTES FROM THE REGULAR MEETING OF  
MAYOR AND COUNCIL ON JUNE 6, 2005 BE ACCEPTED.**  
  
**MOTION CARRIED. VOTE: 3 AYE, 0 NAY**
- V. Correspondence:
  - A. Kathy Harvey began reading a letter from Sara Wozniak of the Appoquinimink River Association, then asked her to summarize a study of the Middletown, Odessa, Townsend area watershed. Harvey recommended putting the issue on the agenda for August in order to give Council a chance to look over the issues that affect pollution, drainage, and erosion in Odessa.
  - B. Amy Ottinger submitted a letter of resignation from the Parks Commission.
  - C. Cindy Williams called and resigned from the Tree Commission.
  - D. The Goodier's wrote a letter offering to purchase 2 speed bumps for the Town. The matter will be discussed under New Business.

- E. Lynn Gravatt from Emergency Management has requested to meet with the Council to discuss emergency plans.

***Action: Kathy Harvey will contact Council Members and set a time for the meeting.***

- VI. Treasurer's Report: Treasurer Jim Grant began by publicly thanking Anthony Manista for his assistance with the computer at tax time.

In addition to the monthly report including the Balance Sheet and Profit & Loss Year-to-Date Comparison, Grant also submitted a year-end report (attached hereto as attachments B, C, and D respectively).

Grant reported that after approval of the Town budget, the State cut Municipal Street Aid by 17%; which could, depending on the severity of next winter, make it impossible to afford street lights and snow removal under the approved budget.

Harvey announced that Treasurer Grant will now be handling permits. She read a list of recent permits issued, including those seeking historic approval.

- VII. Commission Reports:

- A. Parks- Jacqui Fox reported that the Commission has lost two members, Amy and David Ottinger. The Commission elected David Fox as the chairperson and Laura Bedzyk as the secretary. The cost of replacing the teeter-totter, which is no longer under warranty, is \$198, and will be taken from the insurance fund. The grant was finished as of June 30, the bench money will be used, and the Commission is working on a memorial bench program. A Town picnic will not be planned for this year, and the annual flea market will only occur if the Historic Homes, Fire Department, and Library would like to participate on the same date. Since there is no new business to discuss, the Commission will not meet during the summer months. Harvey requested that alternative parking plans be added to the next Parks agenda.
- B. Board of Adjustment- heard requests by Mullins and Tidaback, a summary of which is attached hereto as attachment E.
- C. Historic- The Commission has elected Laura Bedzyk as its chairperson and Betts Jackson as its secretary. The Commission gave historic approval for changes to the Lynch, Butler, Banning, and Yetter properties last month.

- VIII. Old Business:

- A. House Bill 172 (Handicapped Parking)- Upon investigation, Kathy Harvey determined that New Castle County does not currently have a handicapped parking ordinance for the Town to use and that County officials are uncertain as to whether or not the bill has passed through the State government yet.

- B. Rezoning Request- Manista, Foley, and Fahey- At this point, the rezoning request is being considered for the Manista and Foley properties only. There was no audience discussion on the topic. Jacqui Fox and Karlyn Grant requested additional time to explore precedents set in similar cases elsewhere in the state.

**MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT THE REZONING REQUEST MADE BY FOLEY AND MANISTA BE TABLED TO ALLOW COUNCIL TIME TO DO FURTHER RESEARCH.**

**MOTION CARRIED. VOTE: 3 AYE, 0 NAY**

Fahey's request will remain on the agenda.

- C. 610 Main Street- Home Occupation?- Sam Trice notified the Town that 610 Main Street is a home business and that Denise Wall lives there.
- D. DeIDOT'S Transportation Plan Status
- i. 299 Landscaping Between Rt. 13 N&S- Kathy Harvey anticipates that DeIDOT should have bid packages and plant selections prepared in August. She expressed gratitude to the Department of Forestry, which has allocated \$2000 for the Town, which will cover the funding match. She asked Council to look over the sign options.
  - ii. "Do Not Enter" / "No Right Turn" Signs on Side Streets- Harvey finished polling residents, and has prepared an ordinance which will be read under New Business.
  - iii. Major Transportation Plan- Harvey noted that the timing of the lights has changed at the intersections of Routes 299 and 13 North and South, allowing for smoother passage through town. She has discussed parking with DeIDOT and will convey other citizens' concerns, including bulb-outs and drainage.
- E. Town Boundaries- Harvey summarized the issue, emphasizing in particular that the residents of the properties affected by the survey have been paying taxes to the Town of Odessa for many years, and, like the Town, have always operated under the assumption that they were within Town limits. Options before the Town include annexing the land or paying for a new survey and changing the Town Charter to include the entire properties. Jacqui Fox emphasized the importance of determining the Town's exact boundaries considering upcoming annexation potential and suggested consulting the University of Delaware, which might have a more accurate means of determining boundaries.

*Action: Kathy Harvey will contact New Castle County to ensure that its officials are still agreeable to either option, then get a cost for a new survey. She will also look into the University of Delaware's resources.*

F. Sidewalk / Right-of-way Clean-up- The Tree Commission is not functional at this time. Harvey did, however, correspond with Charlie Dunham regarding a few specific clean-up spots.

G. Appointments

i. Town Solicitor- The Board of Adjustment did not require the use of a Town Solicitor last month. Attorney Jim Landon has expressed interest in the position, though his rate was not determined. Cliff Hearn is willing to continue at a rate of \$190/hour. Harvey's other calls were not returned.

**MOTION BY KARLYN GRANT, SECONDED BY JACQUI FOX: THAT KATHY HARVEY CONTACT JIM LANDON AND ASK ABOUT COST, THEN INVITE BOTH CONDIDATES TO APPEAR BEFORE THE COUNCIL AT THE NEXT MEETING.**

**MOTION CARRIED. VOTE: 3 AYE, 0 NAY**

*Action: Kathy Harvey will contact Mr. Landon and Mr. Hearn.*

ii. Historic Commission-

**MOTION BY JACQUI FOX, SECONDED BY KATHY HARVEY: TO ACCEPT KARLYN GRANT'S OFFER TO SERVE A TEMPORARY APPOINTMENT TO THE HISTORIC COMMISSION AS THE COUNCIL REPRESENTATIVE.**

**MOTION CARRIED. VOTE: 3 AYE, 0 NAY**

iii. Tree Commission-

**MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT ELIZABETH WALLICK BE APPOINTED TO THE TREE COMMISSION AS A HOME/PROPERTY OWNER.**

**MOTION CARRIED. VOTE: 3 AYE, 0 NAY**

iv. Planning Commission- No interest was expressed by residents of Odessa Heights. Jim Grant volunteered to take a position if no one else steps forward by next month.

***Action: Secretary Jessica Norton will repost all vacant Commission positions.***

- H. Jake Brake Signs- Kathy Harvey has contacted “Traffic Studies,” which responded that their study is nearly complete and will advise the Town when it is finished.
- I. Historic Guidelines- Kathy Harvey has finished reading the document that has been done thus far, and is of the opinion that much work has been put into it, but that it is very confusing. She recommends putting the information that is currently on a CD on paper for all parties’ reference and suggests out-sourcing the remainder of the work. One thing that has not been addressed is enforcement, which needs to be included in the Zoning Ordinances. Jim Grant and members of the audience suggested looking at other cities’ guidelines and determining who did their work.
- J. Zoning Ordinance- Harvey reiterated that the Zoning Ordinance and Comprehensive Plan need to go “hand in hand.” The Planning Commission has its regular meeting this week, and Harvey invited members to a meeting on July 11 with DelDOT to get an idea of how traffic patterns will impact changes to the Comprehensive Plan. Harvey also stated that New Castle County is receptive to obtaining a contract for sewer services.
- K. Workshop Meetings- June 29<sup>th</sup> & 30<sup>th</sup> – Two representatives from Historic Houses met with Jacqui Fox and Kathy Harvey on the 29<sup>th</sup> and discussed concerns about Main Street and the traffic and parking plans. They would like to work closely with the Town and be involved with community business. No one attended the meeting on the 30<sup>th</sup>.
- L. Grass and Debris Ordinance Violations- Violation notices were sent via certified mail. Two residents have complied, and one was given an additional five days; all others have let their time pass without complying or contacting the Town. Fox pointed out that the Ordinance has not been enforced for many years, so residents might require a second notice in order to take the consequences seriously.

**MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT A SECOND (FINAL) VIOLATION LETTER BE SENT, THEN THOSE WHO STILL DO NOT COMPLY BE TAKEN TO JP COURT.**

**MOTION CARRIED. VOTE: 3 AYE, 0 NAY**

- M. Resolution 2005-3 (Treasurer’s Salary)- The Resolution came to motion last month but did not pass with a vote of 2 aye, the

Treasurer's wife abstaining. Again, this month, not enough members of Council are present to pass the motion.

- N. State Funded Projects-  
**MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT THIS AGENDA ITEM BE TABLED INDEFINITELY.**

**MOTION CARRIED. VOTE: 3 AYE, 0 NAY**

IX. New Business:

- A. Speed Bumps- John and Margie Goodier briefly explained their reasons for offering to purchase two speed bumps for the Town, citing in particular the excessive speed on High Street and the number of children who use the library or play on the street. Council favors the purchase of portable speed bumps since they can be moved as traffic patterns change and for winter snow removal, but Harvey would like to find an example locally before ordering in order to inspect quality and ease of use. Fox would like to be sure that other residents of High Street do not object to placement of speed bumps. The audience pointed out that though DelDOT claims that it will not place speed bumps on its roads (13 and 299), there are speed bumps on the public road behind Glasgow High School.

*Action: Kathy Harvey will contact DelDOT to ask about placing speed bumps on public roads, using the road behind Glasgow High School as an example.*

**MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT THE TOWN LOCATE A LOCAL SOURCE AND MEASURE THE STREET, THEN BRING BEFORE COUNCIL NEXT MONTH FOR A FINAL SELECTION, AND MATCH THE OFFER MADE BY THE GOODIERS.**

**MOTION CARRIED. VOTE: 3 AYE, 0 NAY**

*Action: Kathy Harvey will locate local examples of portable speed bumps and have High Street measured.*

- B. First Reading – Ordinance 2005-3: An ordinance to amend ordinance 2002-1, Odessa Street and Park Tree Ordinance- Kathy Harvey read the Ordinance.
- C. First Reading- Ordinance 2005-4: An ordinance to restrict traffic flow by placement of “Do Not Enter” and “No Right Turn” signage- Kathy Harvey read the Ordinance.

*Action: Ordinance 2005-4 will be sent to DelDOT, Delaware State Police, New Castle County Police, Odessa Fire Company, and New Castle County Department of Public Safety.*

D. Election Notice for Mayor- No one filed to run for the office of Mayor. According to the Charter, the Town needs to hold another election within 60 days of July 15<sup>th</sup>. Council selected Monday, September 12, 2005 for the election with a cut-off date for voter registration and letters of intention to run on August 12.

*Action: Jessica Norton will post election notices.*

X. Next Meeting's Date and Time: Monday, August 1, 2005

XI. Adjournment:

A. Karlyn Grant proposed giving a donation to the Corbit-Calloway Memorial Library in memory of Ruth Laws, who served the Town for 10 years. The proposal will be added to next month's agenda.

B. Roll Call-

**MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT COUNCIL ASK JOHN RAUDENBUSH BY CERTIFIED LETTER IF HE WISHES TO CONTINUE SERVING AS A MEMBER OF THE TOWN COUNCIL.**

In response to audience questions, Harvey stated that the Town Charter does not allow for proxy voting and that three consecutive unexcused absences allow for dismissal of a Council member.

**MOTION CARRIED. VOTE: 3 AYE, 0 NAY**

**MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT THE MEETING BE ADJOURNED.**

The meeting adjourned at 9:15 PM.

Minutes Accepted

8/1/05  
Date

Jessica Norton  
Secretary