

**Town of Odessa**  
**MINUTES FOR REGULAR TOWN COUNCIL MEETING**  
**TUESDAY, SEPTEMBER 6, 2005 - 7:00 PM**  
**OLD ACADEMY BUILDING**

Those present at 7:00 PM:

Acting Mayor Kathy Harvey  
Council Member Karlyn Grant

Treasurer James Grant  
Secretary Jessica Norton

13 community members

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- I. Call to Order and Pledge of Allegiance at 7:10 PM
- II. Council Appointment- Acting Mayor Kathy Harvey read Section 7.8.2 from the Charter giving the two present remaining members of Council the power to appoint a new member.

**MOTION BY KATHY HARVEY, SECONDED BY KARLYN GRANT: THAT MR. JOHN FREEMAN BE APPOINTED TO THE TOWN COUNCIL.**

**MOTION CARRIED. VOTE: 2 AYE, 0 NAY**

Kathy Harvey swore in Mr. Freeman, and he was greeted with applause as he took his seat at the Council table.

- III. Roll Call- Council had waited until 7:10 PM for John Raudenbush. No one had heard from him.

**MOTION BY KARLYN GRANT, SECONDED BY KATHY HARVEY: THAT COUNCILMAN RAUDENBUSH'S ABSENCE NOT BE EXCUSED.**

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

- IV. 301 Blue Route- The agenda was amended with Council's permission to allow Mayor Rauley of Townsend to address Council. Mayor Rauley summarized DelDOT's proposed "Blue Route" and pointed out the negative impact the new road would have on the already growing traffic problems in both Townsend and Odessa. He asked the Town to support Townsend in it's stand against the blue route by encouraging residents to sign a petition and by writing a letter to DelDOT.

**MOTION BY KATHY HARVEY, SECONDED BY**

**KARLYN GRANT: THAT COUNCIL SEND A LETTER TO DELDOT IN SUPPORT OF TOWNSEND'S STAND AGAINST THE BLUE ROUTE.**

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

Harvey encouraged residents to stop by the Old Academy to look at DelDOT's proposals.

*Action: Kathy Harvey will write the letter.*

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

Lt. Bailey reminded citizens that September is Emergency Preparedness Month and reported that Delaware is well organized. She emphasized the importance of planning ahead and agreed to send a copy of the state's evacuation plan to the Town Office. She distributed information on terrorism prepared by DE State Police, which is attached hereto as attachment C.

Both Council and audience requested more diligent traffic patrol, including return of radar speed enforcement, zero tolerance policy, looping on High Street, enforcement of stop signs, and patrol during peak hours.

- VI. Approval of Minutes  
A. Regular Meeting 8/1/05

**MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT THE MINUTES FROM THE REGULAR MEETING OF MAYOR AND COUNCIL ON AUGUST 1, 2005 BE ACCEPTED WITH A SPELLING CORRECTION TO PAGE TWO.**

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

- B. Public Hearing 7/5/05

**MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT THE MINUTES FROM THE PUBLIC HEARING ON JULY 5, 2005 BE ACCEPTED.**

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

- VII. Correspondence  
A. Steve Pulinka- a copy of his letter sent to Winterthur regarding return of Odessa collection pieces, will be forwarded to the Historic Commission.  
B. Women's Club- regarding Christmas in Odessa

**MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT THE TOWN ACCEPT THE WOMEN'S CLUB'S REQUESTS TO DECORATE STREET SIGNS, SELL TICKETS IN THE OLD ACADEMY, AND RUN HORSE DRAWN CARRIAGE RIDES FOR CHRISTMAS IN ODESSA.**

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

- VIII. Treasurer's Report- Treasurer Grant distributed and summarized the Balance Sheet and Profit & Loss Budget Performance, attached hereto as attachments D and E. He also reported that the audit had been submitted.

**MOTION BY JOHN FREEMAN, SECONDED BY KARLYN GRANT: THAT THE TREASURER'S REPORT BE ACCEPTED.**

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

- IX. Fire Company Request for Lights- The agenda was amended with Council's approval to hear the Odessa Fire Company's request for a traffic signal. Chief Gant presented photographs of OFC's preferred light style and explained his desire for traffic control while trucks are dispatching. Harvey explained that the Historic Commission would review the request and make recommendations to DelDOT as part of the Major Transportation Plan.

- X. Commission Reports-
- A. Historic- approved in kind roof repair and moving a shed
  - B. Planning- Martin Wollaston attended the last meeting and the Commission plans to make important recommendations soon.
  - C. Trees- held an organizational meeting and will do a survey this month. Volunteers will do the work under the supervision of the Commission. An audience member recommended involving high school volunteers.
  - D. Parks- did not meet in August. The Craft and Flea Market is scheduled on October 29 from 9 AM- 3 PM.

- XI. Old Business
- A. House Bill 172 (Handicapped Parking)- Harvey reported that the bill did pass, but that the wording is vague. She stated that even historic homes, if their use has changed, must comply with the new guidelines. The audience was dismayed to hear that new sidewalks and roadwork, possibly including work already done, must also comply; raising questions as to whether a contractor could be held accountable for completed work if it failed to meet ADA standards. Council stated that the contract had been completed and approved by the state, leaving no option for the Town to be compensated.

B. Rezoning Request- Fahey- remains on the table.

C. DelDOT'S Transportation Plan Status

- i. 299 Landscaping Between Rt. 13 N&S- Due to state budget cuts, the job may go to bid, but the work might not be done. The Department of Forestry assured Acting Mayor Harvey that the \$2000 grant will not be lost.
- ii. "Do Not Enter" / "No Right Turn" Signs on Side Streets- Harvey reported that she and another Council member had heard from many residents who were disappointed after the last meeting that Ordinance 2005-4 did not pass. Council agreed that polling residents at the election would cost less than a postcard poll. Karlyn Grant stated that she would like to have the Ordinance reconsidered.

**MOTION BY KATHY HARVEY, SECONDED BY JOHN FREEMAN: THAT RESDIENTS BE GIVEN A SURVEY AT THE ELECTION POLLS NEXT WEEK, THEN THAT ORDINANCE 2005-4 BE RECONSIDERED.**

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

- iii. Major Transportation Plan- All projects have been stopped.
- D. Town Boundaries- A representative of Century Engineering responded to Kathy Harvey's price inquiry by stating that he was surprised that the previous cost was so low. His current estimate reflects unfinished work from the last contract. Harvey requested the paperwork from the unfinished survey and is awaiting a written explanation. She is also awaiting a written agreement from New Castle County.
  - E. Sidewalk / Right-of-way Clean-up- The Tree Commission will meet on the third Tuesday of each month.
  - F. Jake Brake Signs- The Town is still waiting for the results of DelDOT's traffic study.
  - G. Historic Guidelines- The Historic Commission is working on the guidelines.
  - H. Zoning Ordinance- The Planning Commission is meeting twice a month to work on the Zoning Ordinance and Comprehensive Plan.
  - I. Grass and Debris Ordinance Violations- Harvey reported that she had posted notices on the properties of residents who refused their certified letter. Overall, she is pleased with the community's response. An audience member voiced a complaint over the debris in front of the former Castle Daycare.

***Action- Kathy Harvey will look at the daycare.***

- J. Speed Bumps- Kathy Harvey showed Council and audience a newly acquired speed “hump” (as opposed to “bump”) sample, explaining that this new model offers less noise and easy installation. She made clear to residents that not just anyone can purchase a speed bump and choose its location; any request will ultimately be Council’s decision after consulting with DelDOT.

**MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT SPEED BUMPS BE TABLED UNTIL MORE INFORMATION HAS BEEN GATHERED.**

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

- K. Mechanic Street- Restoring 2-way Traffic Flow- Del DOT has not yet responded.
- L. Town Takeover of Diemler and Leahy Streets- Core samples show that Mr. Kielkopf exceeded the requirements when constructing his roads. The benefit to residents of those streets would be maintenance and snow removal. One resident of Diemler Street voiced concern over the possible extension of the road if it became public, to which Council responded that due to expense and location of the park, it would probably remain a dead end. Karlyn Grant asked Mr. Kielkopf to poll residents of the streets, but he announced his intention to incorporate the streets regardless.

**MOTION BY JOHN FREEMAN, SECONDED BY KARLYN GRANT: THAT THE TOWN TAKE OVER DIEMLER STREET NOW AND LEAHY STREET UPON COMPLETION.**

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

*Action: Kathy Harvey will begin procedure to take over Diemler Street.*

XII. New Business

- A. Resolution 2005-04: A resolution to honor Ruth Laws- Tabled until October.
- B. Rate and Contact Person for Town Solicitor

**MOTION BY KATHY HARVEY, SECONDED BY KARLYN GRANT: THAT COUNCIL SIGN THE CONTRACT WITH CLIFF HEARN FOR \$190 PER HOUR AND DESIGNATE THE MAYOR AS THE CONTACT PERSON.**

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

- C. Delaware Wild Lands, Old Academy Lease- The current lease with Delaware Wild Lands expires in November 2006. The tenant has requested that the Town cancel the current lease, start a new 5 year lease in 2005, and continue the 5% rate increase. Kathy Harvey cannot vote on the request due to her husband's affiliation with the company, leaving too few members on Council to pass a motion.

**MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT THE REQUEST BY DELAWARE WILD LANDS BE TABLED UNTIL OCTOBER.**

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

- D. Website Servicing Agreement- Anthony Manista read a prepared statement, attached hereto as attachment F, explaining that he will no longer provide web service to the Town for free. Audience members commended his excellent work on the website. Treasurer Grant does not think that the Town has the money, as money for website maintenance cannot legally come from Street Aid or Real Estate funds. He said he would have preferred that the contract be presented at budget time. Harvey said she would not support going over budget. Audience members offered some solutions: exploring grants, asking Historic Odessa for help, and doing an auction or fundraiser. Council asked the community to keep thinking of ideas to raise money for the website.

- E. Appointment of Election Judge

**MOTION BY KARLYN GRANT, SECONDED BY JOHN FREEMAN: THAT CAROLE COLEMAN BE APPOINTED TO THE ELECTION COMMITTEE.**

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

- F. NCC Emergency Operations Plan- tabled until October

XIII. Next Meeting's Date and Time: Monday, October 3 at 7:00 PM

XIV. Adjournment- The meeting concluded at 9:43 PM.

Minutes Approved:

10/3/05  
Date

Jessica Boston  
Secretary