

Town of Odessa
MINUTES OF REGULAR TOWN COUNCIL MEETING
MONDAY, AUGUST 1, 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
Council Member John Raudenbush

Treasurer James Grant
Secretary Jessica Norton

15 community members

- I. Call to Order and Pledge of Allegiance: Acting Mayor Kathleen Harvey called the meeting to order at 7:00 PM.
- II. Delaware State Police Report: The report was read by Lieutenant Purcell and is attached hereto as attachment B. The officer then answered audience and Council questions regarding burglaries.
- III. Approval of Minutes:
 - A. Regular Meeting 7/5/05- Jacqui Fox pointed out that Kathy Harvey was also in attendance at the Workshop Meeting recorded on page 5 of the minutes.

MOTION BY KARLYN GRANT, SECONDED BY JACQUI FOX: THAT THE MINUTES FROM THE REGULAR MEETING OF MAYOR AND COUNCIL ON JULY 5, 2005 BE ACCEPTED WITH THE CORRECTION TO PAGE FIVE.

MOTION CARRIED. VOTE: 4 AYE, 0 NAY
 - B. Public Hearing 7/5/05- The meeting had been recorded and typed minutes will be available next month.
- IV. Correspondence: Kathy Harvey read the following letters:
 - A. Gravell- regarding change of address
 - B. Wheeler- complaining about tax rate, specifically regarding lack of explanation, change in trash contract, and elimination of early payment discount
 - C. Fox, read by Mrs. Jacqui Fox- submitting her resignation from the Council effective immediately after this meeting
 - D. Baldwin- regarding violation letter
 - E. Smith- citing drawbacks of installing speed bumps

- F. Century Engineering, addressed under Old Business, "Town Boundaries"
 - G. Historic Odessa Foundation- objecting to bulb-outs proposed by the Major Transportation Plan
- V. Treasurer's Report: Treasurer Grant read the monthly report and submitted the Balance Sheet, Profit and Loss, and Profit & Loss Budget v. Actual, (attached hereto as attachments C, D, and E respectively).
- VI. Commission Reports:
- A. Historic- provided minutes of its July 14 meeting, copies of which are available in the Town Office.
 - B. Planning- minutes have not yet been provided, but Kathy Harvey reported that the Commission is working diligently on the Comprehensive Plan and the Zoning Ordinances. She and Carole Coleman will meet with New Castle Special Services on Wednesday, August 3 to discuss sewer and land use. Harvey also met with DelDOT regarding parking, ingress/egress traffic flow, the Gulf Station, directional flow on Mechanic Street, and other traffic problems.
 - C. Trees- still trying to find a convenient time for an organizational meeting.
- VII. Old Business:
- A. House Bill 172 (Handicapped Parking)- Harvey still has not received a response from the County regarding the bill's status.

Action: Representative Cathcart (present in the audience) will check to see if the bill was passed.

- B. Rezoning Request- Manista and Foley

MOTION BY KATHY HARVEY, SECONDED BY KARLYN GRANT: THAT COUNCIL UN-TABLE THE MANISTA/FOLEY REZONING REQUEST.

MOTION CARRIED. VOTE: 4 AYE, 0 NAY

Jacqui Fox relayed a conversation she had with Herb Inden regarding what she sees as the two options facing Council in this case: that they amend the Comprehensive Plan then rezone the properties, or that they amend the Comprehensive Plan and rezone the properties simultaneously.

Karlyn Grant stated that she is not in favor of rezoning, arguing that she does not want to change something that she will later regret. She would prefer to have the Comprehensive Plan in place and the Zoning Ordinance updated first.

Kathy Harvey said she will not support rezoning while working on the Comprehensive Plan, stating that there is no “straightforward commercial” zoning, that the request is not consistent with the current Plan, and that the area is not suitable for a commercial property, particularly for parking.

John Raudenbush favors the rezoning request, pointing out that the Town was originally a commercial town and refuting Harvey’s parking argument by comparing the parking situation to Wilmington.

Mr. Manista, the property owner who originally made the rezoning request, then presented his arguments. He indicated that neighboring Middletown amends its Comprehensive Plan frequently and suggested that Odessa send his request to Dover at no cost. He made a final plea that Council not prevent him from making a living out of his home but rather make a motion to amend the current Comprehensive Plan, approve his rezoning request, and honor individual requests as they arise.

Harvey responded that the Town has a contract with the University of Delaware for work on the Comprehensive Plan. She further stated that when Mr. Manista purchased the property in question, it was zoned residential; therefore, the Town cannot be accused of preventing income.

Raudenbush brought conversation to a close, stating that the Town must be consistent in its handling of similar requests, citing the cases of 610 Main Street and Castle Day Care. He emphasized the importance of making a timeline.

MOTION BY JOHN RAUDENBUSH TO REZONE THE MANISTA AND FOLEY PROPERTIES TO COMMERCIAL CONTINGENT ON APPROPRIATE CHANGES TO THE COMPREHENSIVE PLAN AND ZONING ORDINANCE.

NO SECOND.

Jacqui Fox made clear her intention to abstain from this vote, as her resignation would become effective following the meeting and her vote would only cause a stalemate.

MOTION NOT CARRIED. (Motion did not come to a vote, however Raudenbush voiced his opinion in favor of the request, with Harvey and Grant opposed, Fox abstaining.)

Procedure for reintroducing a rezoning request is attached hereto as attachment F.

- C. Rezoning Request- Fahey- Property owner has not contacted the Town regarding the request and will remain on the agenda.
- D. DelDOT'S Transportation Plan Status
- i. 299 Landscaping Between Rt. 13 N&S- A long letter from DelDOT to the Town regarding the state's budget cuts leaves the Town to assume that the plans "could go forward." Work is still due to be sent to bid in the Fall, but may be put on hold.
 - ii. "Do Not Enter" / "No Right Turn" Signs on Side Streets- Resident and volunteer firefighter Jeff Foraker addressed Council regarding disadvantages to the new signage. He stated that the recent change in timing of the lights on Route 299 between Route 13 North and South has caused a backup on Route 13 S which results in increased cut-through traffic on Mechanic Street and Park Alley. He not only fears that new signs will make the cut-through traffic worse, but also that they will hinder emergency response times for volunteers on the west side of town. He opposes the new signage, stating that the Town needs a solution for everyone, not just one section, and suggested other solutions, including creating a bypass, fencing off the American Legion driveway, and reversing the one-way sign on Mechanic Street. Mr. Raudenbush agreed, adding that only nine residents responded to the Town's poll on the issue and that the whole town should be polled. Discussion continued under "Second Reading of Ordinance 2005-4."
 - iii. Major Transportation Plan- Directed by DelDOT to stop work due to budget cuts.

Harvey stated that the 17% cut in Municipal Street Aid means a shortfall of about \$2000 for the Town. Representative Cathcart commented on DelDOT's predicament and said that he would work with the Town to cover the shortfall.

- E. Resolution 2005-3 (Treasurer's Salary)- Jacqui Fox requested that the agenda be amended so that she could be present to vote on the Treasurer's salary.

MOTION BY JACQUI FOX, SECONDED BY JOHN RAUDENBUSH: THAT RESOLUTION 2005-3 BE ACCEPTED.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY, KARLYN GRANT NOT VOTING

Jacqui Fox left the meeting at 8:43 PM.

- F. Town Boundaries- Century Engineering quoted the Town a cost of

\$6000 to complete the survey of Town boundaries. Uncomfortable with the high price, Karlyn Grant suggested tabling the issue, stating that boundaries have been in question for many years and that a few more won't hurt. Treasurer Jim Grant commented that the money could be taken from the Real Estate Transfer Monies.

MOTION BY JOHN RAUDENBUSH, SECONDED BY KARLYN GRANT: THAT THE TOWN EXPEND MONEY FOR SURVEY PURPOSES PENDING A REASONABLE EXPLANATION OF THE CHARGES IF THE EXPENSE IS AN ALLOWABLE USE OF REAL ESTATE TRANSFER FUNDS.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

G. Sidewalk / Right-of-way Clean-up- The Tree Commission will hopefully convene this month and begin conducting business.

H. Appointments

- i. Town Solicitor- Two candidates, Jim Landon and Cliff Hearn, were heard prior to the meeting. Raudenbush commented that Hearn has a good knowledge of the Town and that he has been happy with his work in the past.

MOTION BY JOHN RAUDENBUSH, SECONDED BY KARLYN GRANT: THAT THE TOWN HIRE CLIFF HEARN AS ITS TOWN SOLICITOR.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

Action: Kathy Harvey will notify Mr. Hearn.

- ii. Historic Commission

MOTION BY KARLYN GRANT, SECONDED BY JOHN RAUDENBUSH: THAT ROBERT GROVE BE APPOINTED TO THE HISTORIC COMMISSION AS THE ARCHITECT.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- iii. Tree Commission- No candidates at this time.

- iv. Planning Commission

MOTION BY JOHN RAUDENBUSH, SECONDED BY KARLYN GRANT: THAT JOHN FREEMAN BE APPOINTED TO THE PLANNING COMMISSION.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- I. 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.
- J. Historic Guidelines- On the agenda for the Historic Commission meeting next week.
- K. Zoning Ordinance- The Planning Commission is working diligently.
- L. Grass and Debris Ordinance Violations- Final notices were sent out. Three disabled cars have been removed; another resident requested a meeting. More notices will be sent and those who refused to accept them will have them posted on their property.
- M. Speed Bumps- Kathy Harvey showed a sample of the proposed speed bump and reported that she had measured High Street at 20 feet wide. She re-read the Goodier's letter and the minutes from last month's meeting to catch Council up to date. She also reported that she had contacted DelDOT and they will not install speed bumps on Main Street.

MOTION BY KATHY HARVEY, SECONDED BY JOHN RAUDENBUSH: THAT THE TOWN MATCH THE GOODIER'S OFFER AND PURCHASE A TOTAL OF \$600 IN SPEEDBUMPS.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- N. Second Reading - Ordinance 2005-3: An ordinance to amend ordinance 2002-1, Odessa Street and Park Tree Ordinance

MOTION BY JOHN RAUDENBUSH, SECONDED BY KARLYN GRANT: THAT THE SECOND READING OF ORDINANCE 2005-03 BE ACCEPTED WITH THE WORD "RESOLVED" CHANGED TO "ORDAINED."

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- O. Second Reading- Ordinance 2005-4: An ordinance to restrict traffic flow by placement of "Do Not Enter" and "No Right Turn" signage- There was much discussion over whether or not volunteer firefighters should be exempt when responding to a call. Mrs. Harvey clarified that the new signs were specifically "Do Not Enter" signs, not "One Way" markers. Though many of the volunteers feared that the new signage would affect response times, they also conceded that it is not a good idea to allow them to drive against traffic. Mr. Raudenbush feared that the new signage would sacrifice one aspect of public safety for another and suggested that the Town try the speed bumps first.

MOTION BY KATHY HARVEY, SECONDED BY KARLYN GRANT: THAT THE SECOND READING OF ORDINANCE 2005-04 BE ACCEPTED.

MOTION NOT CARRIED. VOTE: 2 AYE, 1 NAY, HARVEY AND GRANT IN FAVOR, RAUDENBUSH OPPOSED.

VIII. New Business

- A. Snow Removal Contract- Jim Grant reported that the bid from Sleepy Hollow Snow Removal remains the same as last year.

MOTION BY KATHY HARVEY, SECONDED BY JOHN RAUDENBUSH: TO ACCEPT THE SNOW REMOVAL CONTRACT WITH SLEEPY HOLLOW FOR THE 2005-2006 SEASON.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- B. Appoquinimink River Association Study- Sara Wozniak distributed and explained a map of the area's watershed and a list of recommendations, attached hereto as attachment H. She cited specific problem areas in Odessa, including the fire and police stations the boat ramp. Members of both the audience and Council expressed interest in improving the pollution problems and voiced concerns about Water Farm #1, the causeway, and Old Corbit Road, and recommended increased use of rain barrels.
- C. Resolution 2005-04: A resolution to honor Ruth Laws- tabled until September.
- D. Mechanic Street- Restoring 2-way Traffic Flow- Traffic flow on the west side of Town was discussed under old business. Council will await a response from DelDOT regarding Mechanic Street, then poll residents.
- E. Town Takeover of Diemler and Leahy Streets- Fred Kielkopf stated that Diemler Street is finished and that Leahy Street will be finished and that he has had deeds drawn up to turn both streets over to the Town, reminding Council that the proposal had been brought before Council in January of 2002, at which time, they had said that they might take over the streets in the future. An audience member said that DelDOT should approve the streets first. Treasurer Grant felt that the streets are in good repair and that though acquiring the streets would not generate revenue for the Town, the residents do pay taxes but do not currently have snow removal or street lights. He suggested taking over Diemler Street now and Leahy Street upon completion; Council agreed.

MOTION BY JOHN RAUDENBUSH, SECONDED BY KARLYN GRANT: THAT COUNCIL CONTACT T SQUARE / JEFF WILLIAMS FOR CORE SAMPLE DATA AND FIND OUT PROCEDURE FOR TAKING OVER STREETS.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

Action: Kathy Harvey will acquire core sample information, explore procedure, and contact DelDOT to ask about getting Mechanic Street back from the State.

- IX. Next Meeting's Date and Time: Tuesday, September 6, 2005 due to holiday.
- X. Adjournment

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

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

The meeting adjourned at 10:18 PM.

After the meeting, members of Odessa Fire Company communicated their desire for a traffic light in front of the station.

Jim Grant said that he and his wife, Karlyn, intend to attend the meeting of the League of Local Governments on September 18 to discuss street aid cuts.

Minutes Approved:

9/6/05
Date

Jessica Barton
Secretary