

Town of Odessa

**MINUTES FROM THE REGULAR TOWN MEETING OF MAYOR AND COUNCIL
MONDAY, AUGUST 7, 2023 - 7:00 PM
OLD ACADEMY BUILDING
315 MAIN STREET
ODESSA, DE 19730**

Those present at 7:00 PM:

Mayor: Harvey Smith
Council Member: Lenny Aguilar
Council Member: John Freeman
Council Member: Yeni Ocampo
Treasurer: David Sheats
Secretary: Amy Marie Ottinger
3 community members

- I. Call to Order & Pledge of Allegiance. Meeting was called to order at 7:00 PM.
- II. Oath of Office
 - Mayor Smith gave the oath of office to David Sheats for the remainder of Debra Schulman's 2-year term as town treasurer ending in 2025.
- III. Roll Call

MOTION BY LENNY AGUILAR, SECONDED BY JOHN FREEMAN TO EXCUSE LIONEL HYNSON FROM THE AUGUST 7, 2023 MEETING OF MAYOR & COUNCIL.

MOTION CARRIED. VOTE 3 AYES, 0 NAYS, 0 ABSTAIN

- IV. Approval of Minutes
 - a. Minutes: Regular Meeting of Mayor & Council 7-10-23
 - Councilman John Freeman inquired as to whether a traffic study has been performed for the Osbourne Street development by the town. The mayor stated that no traffic study has been performed by the town and he researched figures online (Google) where a traffic study will cost between \$2000-5000 per intersection. He also mentioned that Barry Baker and his attorney had performed a general traffic study on Mechanic Street recently and provided that data to the townspeople at their community meeting last month.

MOTION BY LENNY AGUILAR, SECONDED BY JOHN FREEMAN TO APPROVE THE MINUTES FROM THE JULY 10, 2023 MEETING OF MAYOR & COUNCIL.

MOTION CARRIED. VOTE 3 AYES, 0 NAYS, 0 ABSTAIN

- V. Correspondence
 - a. Letter from State of Delaware Department of Transportation reflecting the town's municipal street aid award for Fiscal Year 2024. Attached hereto as Attachment A (1-page letter).

VI. Treasurer's Report

- a. Balance Sheet / Profit & Loss as of 7-31-23, attached hereto as Attachments B & C (3-page reports)
- b. Various expenses on the report were reviewed such as the yearly commercial insurance package, workers comp policy, copier servicing and town solicitor fees. Deposits consisted of rental income, permit fees, property taxes, Board of Adjustment fees and JP court fees. There was also a reconciliation in the amount of \$999.75 and that was for a bank processing error on a deposit.

MOTION BY JOHN FREEMAN, SECONDED BY YENI OCAMPO TO APPROVE THE TREASURERS REPORT FROM 7-31-23.

MOTION CARRIED. VOTE 3 AYES, 0 NAYS, 0 ABSTAIN

VII. Commission Reports

- a. Historic – Meeting was 7-13-23 (Maureen Given entrance repairs and siding, Jason Brown porch)
- b. Planning – Meeting was 7-20-23 (EV Requirements for new developments, Options for Odessa Commons)
- c. Trees – Meeting was 7-11-23 (Maintaining plantings, Ordinance Revisions, Tree City Status)
- d. Board of Adjustment – Meeting was 8-1-23 (Long & Greenberg LLC signage, Veterans Watchmaker Initiative (Biddle House) rear set back)

VIII. Old Business

- a. Discussion from 6:45 Public Hearing – no further discussion was needed.
- b. Final Reading: Ordinance 2023-02: An Ordinance to Revise the Composition of the Board of Adjustment, attached hereto as Attachment D (2-page ordinance)

MOTION BY VOICE VOTE TO APPROVE ORDINANCE 2023-02: AN ORDINANCE TO REVISE THE COMPOSITION OF THE BOARD OF ADJUSTMENT.

LENNY AGUILAR, Aye
JOHN FREEMAN, Aye
YENI OCAMPO, Aye
HARVEY SMITH, Aye

MOTION CARRIED. VOTE 4 AYES, 0 NAYS, 0 ABSTAIN

- c. 405 Main Street Update – Mayor Smith has requested three competitive bids for the demolition of the house to include demolishing the structure, hauling away any debris, pumping and abandoning the septic system, removing asbestos siding, backfilling the basement with clean fill and covering with topsoil and grass seed. One bid has been received at this time. Next procedural steps is for the historic commission to approve the demolition. The hope is to have it demolished before Christmas in Odessa but we have to work within the framework of the law and follow the proper steps.

IX. New Business

- a. Ordinance 2023-03: Odessa Street and Park Tree Ordinance, attached hereto as Attachment E (8-page ordinance). This Ordinance re-adopts the Odessa Street and Park Trees Ordinance with a handful of changes. In addition to correcting some typographical errors and clarifying certain aspects of the Ordinance, this Ordinance provides definitions for small, medium and large trees. The composition of the Tree Commission is clarified. The planting distance between trees is revised, and provisions are enhanced for appeals to the Tree Commission and Town Council. This Ordinance establishes tree planting plan requirements and the standards for replacing trees that have been removed. This Ordinance establishes procedures for paying for trees in lieu of planting trees, and penalties for failing to replace dead trees are included.

MOTION BY JOHN FREEMAN, SECONDED BY LENNY AGUILAR TO APPROVE ORDINANCE 2023-03: ODESSA STREET AND PARK TREE ORDINANCE.

MOTION CARRIED. VOTE 4 AYES, 0 NAYS, 0 ABSTAIN

- b. Old Academy Handicap Entrance Electric, attached hereto as Attachment F (1-page estimate) - Electrical upgrades were not included in the original bid for the handicap entrance. This estimate is for an illuminated exit sign over the new handicap door, exterior lights at both entrances (dusk to dawn lighting) and adding a doorbell (not included in this estimate). Monies will be paid from the capital improvement grant.

MOTION BY JOHN FREEMAN, SECONDED BY LENNY AGULAIR, TO APPROVE THE ESTIMATE FROM PHB INC IN THE AMOUNT OF \$2,480.00 (NOT INCLUDING THE DOORBELL) FOR ELECTRICAL UPGRADES NEEDED AT OLD ACADEMY.

MOTION CARRIED. VOTE 4 AYES, 0 NAYS, 0 ABSTAIN

- X. Next Meeting Date and Time: Town Hall will be closed for the Labor Day holiday. Next meeting of Mayor and Council will be Monday, September 11, 2023 @ 7:00 PM.

XI. Adjournment

MOTION BY JOHN FREEMAN, SECONDED BY YENI OCAMPO TO ADJOURN THE MEETING AT 7:36 PM.

MOTION CARRIED. VOTE 4 AYES, 0 NAYS

Minutes Submitted: 8/28/23
By: Amy Marie Ottinger
Town Secretary

Approved: 9-11-23