

Town of Odessa

**MINUTES FROM THE REGULAR TOWN MEETING OF MAYOR AND COUNCIL
MONDAY, SEPTEMBER 11, 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: Lionel Hynson

Council Member: Yeni Ocampo

Treasurer: David Sheats

Secretary: Amy Marie Ottinger

Town Solicitor Barrett Edwards – Hudson, Jones, Jaywork & Fisher LLC

Mike Hoffman – Tarabicos, Grosso & Hoffman LLP

(8) community members

I. Call to Order & Pledge of Allegiance – Meeting was called to order at 7:01 PM.

II. Roll Call

MOTION BY LIONEL HYNSON, SECONDED BY LENNY AGUILAR TO EXCUSE JOHN FREEMAN FROM THE SEPTEMBER 11, 2023 MEETING OF MAYOR & COUNCIL.

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

III. Approval of Minutes

a. Minutes: Public Hearing 8-7-23

MOTION BY LENNY AGUILAR, SECONDED BY YENI OCAMPO TO APPROVE THE MINUTES FROM THE AUGUST 7, 2023 PUBLIC HEARING.

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

b. Minutes: Regular Meeting of Mayor & Council 8-7-23

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

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

IV. Correspondence - None

V. Treasurer's Report

a. Balance Sheet / Profit & Loss as of 8-31-23, attached hereto as Attachments A & B (3-page reports)

b. Treasurer Sheats reviewed various expenses on the report such as bond payments for the Mayor and Treasurer, HVAC service calls for Old Academy, a temporary funds transfer

of \$4000.00 from the Operating account to the Municipal Street Aid account to cover a shortfall until the yearly award is received and a partial payment to PHB for the bathroom remodeling. Deposits consisted of rental income, property taxes, franchise fees, permit fees and JP court fees.

MOTION BY LIONEL HYNSON, SECONDED BY LENNY AGUILAR TO APPROVE THE TREASURERS REPORT FROM 8-31-23.

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

VI. Commission Reports

- a. Historic – Meeting was 8-10-23 (Long & Greenberg LLC signage, Mayor and Council – approval to demolish 405 Main Street)
- b. Planning – No August meeting
- c. Trees – Meeting was 8-8-23 (Final Meeting – wrap up old business, educational information)

VII. Old Business

- a. 405 Main Street Update - Mayor Smith has received (3) competitive bids for the demolition of the house, attached hereto as Attachments C, D & E (1-page estimates each). The estimates ranged from \$32,000.00 to \$57,570.00. The lowest bid had a contingency that if asbestos was found inside, there would be additional fees. Mayor Smith recommended that we go with a company that does not have a contingency. The bids were inclusive of demolishing the structure, hauling away debris, pumping and abandoning the septic system, removing asbestos siding, backfilling the basement with clean fill and covering with topsoil and grass seed. Next steps will be to schedule the demolition and contact the owners as a courtesy to let them know if there is anything they would like to remove from the house prior to it being demolished. The Mayor is hopeful that it will be demolished by Christmas in Odessa.

MOTION BY LIONEL HYNSON, SECONDED BY LENNY AGUILAR TO APPROVE THE DEMOLITION BID IN THE AMOUNT OF \$33,000.00 WITH DESIGN CONTRACTING INC FOR THE DEMOLITION OF 405 MAIN STREET.

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

VIII. New Business

- a. Women’s Club of Odessa Proclamation, attached hereto as Attachment F (1 page proclamation)

MOTION BY LIONEL HYNSON, SECONDED BY LENNY AGUILAR TO PROCLAIM SEPTEMBER 30, 2023 AS THE GFWC WOMENS CLUB OF ODESSA NATIONAL DAY OF SERVICE TO BATTLE FOOD INSECURITY IN SOUTHERN NEW CASTLE COUNTY, DELAWARE.

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

- b. American Rescue Act Funding – Mayor Smith provided a brief overview of the ARPA funding in the amount of \$130,051.50 that the Town of Odessa received, attached hereto as Attachment G (1 page accounting and 4 letters). He provided an accounting of expenditures to date along with projected expenditures for projects already approved by council. The funding is use it or lose it money. We have four non-profits in town (Corbit

Calloway Library, Historic Odessa Foundation, Women's Club and the Odessa Fire Company) which have all provided documentation to show substantial losses due to Covid. Documentation was provided to council for consideration of a reimbursement for loss of income. When a monetary distribution is determined, it was suggested by the group attorney (Barnes & Thornburg LLC) that each of the non-profit organizations signs a release stating that if the Federal government rejects the disbursements, the funds will be returned by each organization. Council members will have the remainder of the month to look over the documentation and it will be discussed under old business at the next regularly scheduled meeting.

- b. Town Solicitor Barrett Edwards – Mayor Smith introduced the town solicitor who was asked to attend by town residents. He provided an overview of the services that he provides to town council and thereby the residents. He reviewed the roles of town council, the planning commission, and the board of adjustment. He gave a general overview of the development process and discussed the different types of approvals that come before a public body such as zoning issues, conditional uses and special exception approvals etc. He explained that a subdivision approval is different; it's a check the boxes situation. If the code allows it, it gets approved. Mike Hoffman recently contacted him for an administrative subdivision for the property owner of 211 High Street. For this request, if the zoning code allows the rearrangement of the lot lines and the new orientation still meets code, then it moves forward. In regards to the proposed Osbourne Street subdivision, the board of adjustment holds the power at the moment since the developer has requested variances for overall lot size, lot width, location of homes closer to the street, and setbacks for a non-conforming barn and house. The board will be asked to make a decision based on all the evidence provided. Citizens will then have an opportunity at the public hearing to make their voices heard. After the board of adjustment, the project will be sent back to the planning commission and finally back to town council for final approval - whether it's the original plan of 15 homes or the new proposed plan. The planning commission has an opportunity during the subdivision process to ask for concessions on things that the town deems important or to address concerns. The developer could always deny the requests if it's not required in the code. The planning commission takes a role of making recommendations and then moves them forward to town council for final approval. They have no final decision-making abilities; town council does. Town council will have final approval to determine if the project meets all the requirements of the code. He made note that for municipalities, the maps and the text of the Comprehensive Plan has the force of law. The town thanks Mr. Edwards for coming and addressing the public's questions and concerns.
- c. Tree Inc Estimates for Clean Up at Memorial Park & Old Academy, attached hereto as Attachments H & I (2-page estimates).

MOTION BY LIONEL HYNSON, SECONDED BY LENNY AGUILAR TO APPROVE TREE INC ESTIMATE #2681 IN THE AMOUNT OF \$1500.00 FOR TREE TRIMMING SERVICES AT OLD ACADEMY AND 4TH AND HIGH STREET AND ESTIMATE #2682 IN THE AMOUNT OF \$4,250.00 FOR MEMORIAL PARK CLEAN UP.

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

- IX. Next Meeting Date and Time: Next meeting of Mayor and Council will be Monday, October 2nd at 7:00PM

- Coffee Talk with Kevin Hensley will be September 12, 2023 @ 8:30 AM at the Odessa Fire Company
- The Town of Odessa will be hosting its Halloween in the Park event on Saturday, October 28th from 2-4PM. We are currently accepting donations (monetary, crafts and/or candy) with a drop box for candy donations outside of the town secretary's office. Sponsorship forms are available. Amanda Russell stated that although we have over twenty people sign up so far, there is still a need for people to hand out candy along the trail and prizes for the costume contest. Please contact her with any additional questions.
- Special thanks to the Odessa Fire Company for their assistance in repairing the flagpole here at Old Academy.

X. Adjournment

MOTION BY LENNY AGUILAR, SECONDED BY LIONEL HYNSON TO ADJOURN THE MEETING AT 8:29 PM.

MOTION CARRIED. VOTE 4 AYES, 0 NAYS

Minutes Submitted: 9/26/23

By: Amy Marie Ottinger
Town Secretary

Approved: 10-2-23