

# Town of Odessa

**MINUTES FROM THE REGULAR TOWN MEETING OF MAYOR AND COUNCIL  
MONDAY, FEBRUARY 5, 2024 - 7:00 PM  
OLD ACADEMY BUILDING  
315 MAIN STREET  
ODESSA, DE 19730**

Those present at 7:00 PM:

Mayor: Harvey C. Smith Jr  
Council Member: Lenny Aguilar  
Council Member: John Freeman  
Council Member: Lionel Hynson  
Council Member: Yeni Ocampo  
Treasurer: David Sheats  
Secretary: Amy Marie Ottinger  
Mike Hoffman – Tarabicos, Grosso & Hoffman LLP  
Barry Baker – Maple View LLC & Sylvan Valley Real Estate Investments Inc.  
11 community members

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- I. Call to Order & Pledge of Allegiance - Meeting was called to order at 7:00 PM.
- II. Roll Call
- III. Approval of Minutes
  - a. Minutes: Regular Meeting of Mayor & Council 12-4-23

**MOTION BY JOHN FREEMAN, SECONDED BY LENNY AGUILAR TO APPROVE THE MINUTES FROM THE DECEMBER 4, 2023 MEETING OF MAYOR & COUNCIL.**

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

- b. Minutes: Special Meeting of Mayor & Council 12-19-23

**MOTION BY LIONEL HYNSON, SECONDED BY LENNY AGUILAR TO APPROVE THE MINUTES FROM THE DECEMBER 19, 2023 SPECIAL MEETING OF MAYOR & COUNCIL.**

**MOTION CARRIED. VOTE 4 AYES, 0 NAYS, 1 ABSTAIN (OCAMPO)**

IV. Correspondence

- Letter received from Odessa Fire Company, attached hereto as Attachment A (1-page letter) thanking Mayor & Council for the generous ARPA grant.
- Letter received from Historic Houses of Odessa, attached hereto as Attachment B (1-page letter) expressing gratitude for the generous ARPA grant.
- Letter received from Visual Computer Solutions (Jobs4Blue), attached hereto as Attachment C (2-page letter), notifying the town of a change in their service fee structure for services provided by their company. Starting January 1, 2024 their service

fee will increase from 4% to 8%. This will impact the town by increasing their fee from \$11.52 per month to \$23.04 per month.

V. Treasurer's Report

- a. Balance Sheet / Profit & Loss as of 12-31-23, attached hereto as Attachments D & E (3-page reports)
  - Treasurer Sheats reviewed various expenses on the report such as the \$46,350.00 ARPA grant expenditures that Mayor and Council approved, the annual audit expense, town wide leaf removal, window cleaning at Old Academy and the construction of a closet in the new handicap accessible bathroom at Old Academy. Deposits consisted of rental income, permit fees, court fees and a full payment received for the demolition of 405 Main Street and associated back taxes.
- b. Balance Sheet / Profit & Loss as of 1-31-24, attached hereto as Attachments F & G (3-page reports)
  - Treasurer Sheats reviewed various expenses on the report such as the snow removal expense. Deposits consisted of rental income, taxes, court fees and a \$32,000.00 grant from the State of Delaware to be used for capital improvements at Old Academy.

**MOTION BY JOHN FREEMAN, SECONDED BY YENI OCAMPO TO APPROVE THE TREASURER REPORTS FROM 12-31-23 AND 1-31-24.**

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

VI. Commission Reports

- a. Historic – No December or January meetings
- b. Planning – Meetings were 12-21-23 & 1-18-24 (Osbourne Street Property Proposed Major Subdivision Plan)

VII. Old Business

- a. Discussion from 6:45 pm public hearing - There was no further discussion.
- b. Final Reading: Ordinance 2023-04 Rezoning 506 High Street from Single Family Residential (R1) to Institutional (I), attached hereto as Attachment H (2-page ordinance)
  - This ordinance was introduced at the November 16, 2023 Planning Commission meeting. The commission voted that it be passed onto Mayor & Council for final approval. It was discussed at the December 4, 2023 meeting of Mayor and Council with the agreement that a public hearing would be held prior to this month's meeting to obtain public input prior to a voice vote.

**MOTION BY LIONEL HYNSON, SECONDED BY LENNY AGUILAR TO APPROVE ORDINANCE 2023-04 TO REZONE 506 HIGH STREET FROM SINGLE FAMILY RESIDENTIAL (R1) TO INSTITUTIONAL (I). MOTION BY VOICE VOTE:**

**LENNY AGUILAR, Aye**  
**JOHN FREEMAN, Aye**  
**LIONEL HYNSON, Aye**  
**YENI OCAMPO, Aye**  
**HARVEY SMITH, Aye**

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

c. American Rescue Act Funding

- An up-to-date accounting of ARPA expenditures from initial award to grant end date was provided to Mayor & Council, attached hereto as Attachment I (1-page accounting) along with a quote provided by National HVAC Service, attached hereto as Attachment J (4-page proposal) that Mayor Smith approved in the amount of \$2,821.00 for the replacement of an instant hot water heater for Old Academy. Moving forward, anytime an additional expenditure is approved, an updated accounting will be provided. This grant money is use it or lose it monies and the town has until 12-31-24 to spend the remainder of funds.

VIII. New Business

a. Osbourne Street Property Proposed Major Subdivision Plan

- Mike Hoffman of Tarabicos, Grosso and Hoffman made a presentation on behalf of the owner and applicant of the Osbourne Street property Barry Baker. He is presenting for consideration this evening a 14-lot code compliant Major Subdivision plan for the Osbourne Street property. He stated that the towns engineer Ed Ide has reviewed the plan and confirmed that the project as submitted meets the code requirements. The project was also reviewed by the planning commission who recommended approval of the plan. The plan is a code compliant plan with no variances being sought and all the proposed lots are all at least a ½ acre in size. These lots will not be subject to Architectural Design Standards as they reside outside the historic district. They incorporated an interconnection plan to extend Osbourne Street to Third Street and Third Street on out to High Street. He pointed out that there are two stormwater management areas that are proposed on the plan. Next steps if the plan were to be approved tonight would be a subdivisions agreement. They would move to the construction plan phase where they work out grading and drainage plans in coordination with the town engineer and the NCC Conservation District. Maintenance obligations for the stormwater areas will be taken care of through a maintenance corporation which will consist of the 14 lot homeowners who will be responsible for maintaining the SWM facilities. This will not create an additional expense for the town; however, streets and sidewalks would be part of the town's normal maintenance responsibility. Concrete sidewalk connections are proposed for Osbourne Street and Third Street. Additionally, they have agreed to make a commitment to a provide a concrete sidewalk in front of the Zoar property at their expense. Council members asked clarifying questions concerning storm water management areas, runoff, underground utilities, and proposed landscaping. Mr. Hoffman stated that there is a landscape plan that will consist of 247 new trees planted to include street trees all around the perimeter as well as reforestation trees. The landscape design consultant working on this project is Ellen Tracey of Designs Etc. out of Chadds Ford., PA. Street lights will be a part of the utility plans.
- Mayor and Council, along with members of the public were provided with a packet containing the following documents, attached hereto as Attachment K (9 pages total): Town engineers review of major subdivision plan (2-page review), Zoning administrators report from First State Inspection Agency (1-page report), Major Subdivision submission letter from Karins and Associates (1-page letter), Engineering report from Karins and Associates (1-page report), Impact statement

from Karins and Associates (2-page statement), Major subdivision plan drawing (1-page drawing) and existing subdivision plan drawing (1-page drawing).

**MOTION BY LIONEL HYNSON, SECONDED BY YENI OCAMPO TO APPROVE THE OSBOURNE STREET PROJECT AS PRESENTED. MOTION BY VOICE VOTE:**

**LENNY AGUILAR, Aye**  
**JOHN FREEMAN, Aye**  
**LIONEL HYNSON, Aye**  
**YENI OCAMPO, Aye**  
**HARVEY SMITH, Aye**

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

- b. 2022-2023 Audit, attached hereto as Attachment L (10-page report)
    - Mayor Smith reported that the auditors found that all the town records were in order, reasonable, accurate and complete. He stated that we went over budget on attorney fees and miscellaneous fee increases.
  - c. Contract Renewal – Honey Dipper
    - The proposal was not received in time for the meeting and the contract renewal will be addressed at the next monthly meeting.
  - d. 2024 Election
    - The 2024 Town of Odessa election will be held on Monday, April 01, 2024. There are (2) council seats up for re-election. Both current council members have agreed to run for re-election. Applications are due March 12<sup>th</sup>, 2024 by 4:30 PM.
- IX. Public Comment
- Melaine Minear thanked Mayor and Council for approving the 14 parcel Osbourne Street development plan.
- X. Next Meeting Date and Time: Next meeting of Mayor and Council will be Monday, March 4, 2024 @ 7:00 PM
- XI. Adjournment

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

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

Minutes Submitted: 2/15/2024  
By: Amy Marie Ottinger  
Town Secretary  
Approved: 3-4-2024