

Town of Odessa

**MINUTES FROM THE REGULAR TOWN MEETING OF MAYOR AND COUNCIL
MONDAY, APRIL 8, 2024 - 7:00 PM
OLD ACADEMY BUILDING
315 MAIN STREET
ODESSA, DE 19730**

Those present at 7:05 PM:

Mayor: Harvey C. Smith Jr.
Council Member: Lenny Aguilar
Council Member: John Freeman
Council Member: Yeni Ocampo
Treasurer: David Sheats
Secretary: Amy Marie Ottinger
1 community member

- I. Call to Order & Pledge of Allegiance – The meeting was called to order at 7:05 PM.
- II. Election Certification, attached hereto as Attachment A (*1 page certification*)
- III. Oath of Office
 - Mayor Smith gave the oath of office to council persons John Freeman and Yeni Ocampo
- IV. Roll Call

MOTION BY JOHN FREEMAN, SECONDED BY LENNY AGUILAR TO EXCUSE LIONEL HYNSON FROM THE APRIL 8, 2024 MEETING OF MAYOR & COUNCIL.

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

- V. Approval of Minutes
 - a. Minutes: Regular Meeting of Mayor & Council 3-4-24

MOTION BY LENNY AGUILAR, SECONDED BY YENI OCAMPO TO APPROVE THE MINUTES FROM THE MARCH 4, 2024 MEETING OF MAYOR & COUNCIL.

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

- VI. Correspondence
 - Letter from Women’s Club of Odessa thanking Mayor & Council for the ARPA grant monies, attached hereto as Attachment B (*1-page letter*)
- VII. Treasurer’s Report
 - a. Balance Sheet / Profit & Loss as of 3-31-24, attached hereto as Attachments C & D (*3-page reports*)
 - b. Treasurer Sheats reported that in the Odessa Community Account rental income totaling \$3,015.00 was received. Expenses consisted of normal operating expenses. In the PNC Operating Account, deposits totaling \$18,484.73 were received which consisting of permit fees, franchise fees, JP court fees, the transfer tax from the sale of 211 High Street and a

little under \$3,800.00 the town secretary has been able to collect so far in back property taxes. Expenses consisted of normal operating expenses with the exception of the pre-payment to A-1 Sanitation in the amount of \$787.00 for the porta-potty at Memorial Park and a payment to Tupp Signs in the amount of \$530.00 for two new street signs at Main and Second Streets. Total assets are \$723,945.33.

MOTION BY LENNY AGUILAR, SECONDED BY JOHN FREEMAN TO APPROVE THE TREASURERS REPORT FROM 3-31-24.

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

VIII. Commission Reports

- a. Historic – No meeting in March
- b. Planning – No meeting in March

IX. Old Business

- a. 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 E (*1-page accounting dated 3-5-24*).
- b. Old Academy Structural Repair Update
 - Mayor Smith updated council on the status of the approved repairs. The structural repair to the basement will require the addition of a LVL engineered lam beam to reinforce the basement properly. The beam will increase the cost of the project \$600.00 which the Mayor stated he verbally approved so that repairs can begin.
 - The brick pointing and repair work is scheduled to begin in late May.
 - While attempting to perform the approved gutter repairs, it was discovered that the fascia boards which the gutters are attached to are rotted. It was further discovered that existing cement tile roof has deteriorated beyond repair and will need to be replaced. The Mayor will be obtaining several bids over the next few weeks to replace the roof and perform necessary gutter repairs. He will obtain bids for three different style roofs: a metal standing seam roof, architectural asphalt shingles and artificial manmade cedar shakes. He will come back to council with an update at a later meeting after all bids are received.
 - Since the gutter repair work was unable to be performed, \$2,369.00 will be returned to the ARPA accounting available balance.

X. New Business

- a. May Fest May 4, 2024 street closing, attached hereto as Attachment F (*1 page email*)

MOTION BY LENNY AGUILAR, SECONDED BY YENI OCAMPO TO ALLOW THE CLOSING OF THE REQUESTED SECTIONS OF HIGH, FRONT AND SECOND STREETS ON SATURDAY, MAY 4, 2024 FOR MAYFEST.

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

- b. Arbor Day Proclamation – 2024 Arbor Day Proclamation, attached hereto as Attachment G (*1-page proclamation*)

MOTION BY JOHN FREEMAN, SECONDED BY LENNY AGUILAR, TO PROCLAIM FRIDAY, APRIL 26, 2024 AS ARBOR DAY IN THE TOWN OF ODESSA.

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

- c. Breezeline Cable Franchise Agreement Renewal, attached hereto as Attachment H *(18-page agreement)*
 - The prior agreement is expiring. This new agreement will run for a term of (10) years with an automatic extension rider of (3) additional terms of (5) years.
 - A public hearing will be scheduled on Monday, May 6, 2024 @ 6:30 PM to review the proposed renewal agreement and to receive public comment.
 - The new proposed agreement was sent to our Town Solicitor Barrett Edwards for review. He negotiated with the franchisee and the proposed changes are as follows:
 - Section (1)(d): There is the addition of a level playing field clause. Meaning if the Town of Odessa enters into another franchise agreement that Breezeline believes to have more beneficial terms, Breezeline would have the option of adopt all the terms from the other franchise agreement in full, but it couldn't just pick out those provisions it felt were more favorable.
 - Section (2): There will be no increase in Franchise Fees. The town will continue to receive 3% as in the prior agreement.
 - Section (3)(c)(3) : Breezeline has agreed to provide cable services to the two new developments being planned in Odessa (Osbourne Street Development and Odessa Commons) provided they are technically and economically feasible and notice is provided to the Franchisee in advance of construction.
 - Section (4)(b)(2): Breezeline has agreed to increase their auto liability insurance requirement to 1,000,000 per occurrence.
 - Exhibit 2 – Breezeline has agreed to provide Limited and Value Cable Services to the Town of Odessa if desired.

XI. Public Comment – There were no public comments.

XII. Next Meeting Date and Time: Next meeting of Mayor and Council will be Monday, May 6, 2024 with a public hearing held at 6:30 PM to receive public comments on the proposed cable franchise agreement between the Town of Odessa and Breezeline and a Budget Workshop being held at 6:45 PM.

XIII. Adjournment

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

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

Minutes Submitted: 4/9/2024
 By: Amy Marie Ottinger
 Town Secretary
 Approved: _____