

# Town of Odessa

**MINUTES FROM THE REGULAR TOWN MEETING OF MAYOR AND COUNCIL  
MONDAY, JULY 1, 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

Brant Perry – Assistant Principal - Odessa High School

(5) community members

---

- I. Call to Order & Pledge of Allegiance – The meeting was called to order at 7:01 PM.
- II. Roll Call
- III. Approval of Minutes
  - a. Minutes: Regular Meeting of Mayor & Council 6-3-24

**MOTION BY LIONEL HYNSON, SECONDED BY LENNY AGUILAR, TO APPROVE THE MINUTES FROM THE JUNE 3, 2024 REGULAR 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 6-30-24, attached hereto as Attachments A & B (4-page reports)
  - b. Treasurer Sheats reviewed various expenses on the report. In the Odessa Community Account deposits consisted of rental income. Expenses consisted of normal operating expenses and included a payment to AnyKindaSign in the amount of \$250.00 to add our current building tenants to the Old Academy signage out front. In the PNC Operating Account deposits consisted of transfer taxes, permit fees, property taxes, franchise fees and JP court fees. The town also received \$400.00 in donations for use of the Memorial Park. A payment was made to i3a LLC in the amount of \$1,315.00 for the engineer's review and report on the Osbourne Street development. The town has requested and is awaiting reimbursement from Barry Baker for this expense. There was an ARPA expenditure in the amount of \$5030.40 for the resealing of the walking path and basketball courts at Memorial Park. There were also three invoices paid totaling \$3,100.00 for a tree removal in front of the Old St Paul's church, large limb removal on High Street, and storm damage clean up at town hall. Total assets are \$676,309.02.

**MOTION BY LENNY AGUILAR, SECONDED BY JOHN FREEMAN, TO APPROVE THE TREASURERS REPORT FROM 6-30-24.**

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

**VI. Commission Reports**

- a. Historic – Meeting was 6-13-24 (Paul Thien Roof, Roseann Harkins Roof)
- b. Planning – No meeting in June

**VII. Old Business**

a. Carvers Construction Lawsuit

- The Town of Odessa currently has a judgement against Carver Construction LLC in the amount of \$3,600.00 for a deposit the company received for bathroom renovations at Old Academy. The company and its owner, Tyler Carver, never began construction as promised, ceased all communication with the Mayor, and would not return the funds when requested.
- Through our town solicitor Barrett Edwards, the town was able to secure a judgement against the LLC in the amount of the deposit, but we decided to take the suit one step further and sue Tyler Carver personally since he never paid the taxes on his LLC after formation, and after three years his LLC was revoked, thereby affording him no protection under it. The Mayor and town secretary testified at a JP Court hearing on June 4, 2024 via zoom, and the judge rendered a decision at that time in the town's favor. After the court hearing, however, he reversed his decision stating that an individual cannot be held liable for the obligations of a LLC just because the LLC isn't in good standing or failed to pay taxes.
- After the judge's reversal of the decision, the Mayor has decided not to appeal the decision as the town will not be able to recoup the legal expenses. The town still has a judgement against Carver Construction LLC in the amount of \$3,600.00.

**VIII. New Business**

a. Brant Perry – Assistant Principal - Odessa High School

- Mr. Perry introduced himself to Mayor and Council and all those in attendance. He is a founding administrator from Odessa High School and life-long multi-generational resident of this town.
- He stated that one of the Odessa High School core values is community, and since they have just celebrated their first graduating class, he was here to present tumblers as recognition and appreciation to Mayor and Council for our support of the school.
- He invited the Mayor and Council members to attend the homecoming parade in the Fall at the high school.

b. High Street Speed Bump Request

- Last month a High Street resident expressed concern over increased wrong way traffic on High Street entering from Rt 13 NB onto High Street. He requested that Mayor and Council install a speed bump on High Street between Fourth and Fifth Streets. He stated that people ignore the do not enter sign on High Street and speed down the street in both directions. He felt that the addition of a speed bump would deter people from speeding.

- Mayor Smith conducted a (7) hour personal traffic study, results attached hereto as Attachment C (1-page record), between June 17, 2024 thru June 30, 2024 on High Street. He summarized his findings which showed that much of the traffic was coming from residents who live on that section of the street. He did not witness anyone speeding. There were no crossovers from between the highways. There were two residents that entered from Fifth Street onto High Street the wrong way and parked. There were four vehicles that did not make a complete stop at the stop sign.
- Mayor Smith obtained a quote for the requested speed bump from A-Del Construction, attached hereto as Attachment D (3-page proposal).
- Mayor Smith had the town secretary create a spreadsheet, attached hereto as Attachment E (1-page spreadsheet) which was returned and presented to Council showing that all the residents on that section of High Street were in favor of the speed bump request.

**MOTION BY LENNY AGUILAR, SECONDED BY YENI OCAMPO, TO APPROVE THE ESTIMATE FROM A-DEL CONSTRUCTION IN THE AMOUNT OF \$4,300.00 TO INSTALL ONE SPEED BUMP ON HIGH STREET BETWEEN FOURTH AND FIFTH STREETS (3-PAGE PROPOSAL) .**

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

- c. Artesian Water Company Water Quality Report 2023
  - Artesian Water Company publishes a report each spring to the residents who are connected to the public water supply in accordance with the requirements of the United States Environmental Protection Agency (EPA) and Delaware Division of Public Health (DPH). The 2023 Water Quality Report describes results from their monitoring and testing data, programs that are implemented to maintain the quality of the water they supply, and valuable information related to the quality of the water supply.
  - A paper copy of the 2023 report was provided to Mayor and Council, attached hereto as Attachment F (6-page report).
  - The report is available online and can be accessed via our website: [odessa.delaware.gov](http://odessa.delaware.gov).
- d. Reschedule August Meeting
  - The August meeting of Mayor & Council will be rescheduled to August 12, 2024 due to a conflict with the Mayor's schedule.

**MOTION BY LIONEL HYNSON, SECONDED BY YENI OCAMPO, TO RESCHEDULE THE AUGUST MEETING OF MAYOR AND COUNCIL TO AUGUST 12, 2024 AT 7:00 PM.**

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

IX. Public Comment – There were no public comments.

X. Next Meeting Date and Time: Next meeting of Mayor and Council will be the second Monday of the month (Monday, August 12, 2024) at 7:00 PM.

XI. Adjournment

**MOTION BY LENNY AGUILAR, SECONDED BY LIONEL HYNSON, TO ADJOURN THE MEETING AT 7:37 PM.**

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

Minutes Submitted: 7/16/24  
By: Amy Marie Ottinger  
Town Secretary  
Approved: 8-12-24