

Community Planning Committee (C.P.C.) - Village Of Arden

Minutes Of Meeting Held On Wednesday September 17, 2014

Present: Ray Seigfried, Cynthia Dewick, Ron Meick, Larry Strange and Dan McNeil

Absent: Sally Sharp

Meeting called to order by Ray Seigfried as Committee Chairman at 7:04 PM

The minutes for the two July meetings were reviewed. Ron Meick made a motion to accept the minutes. The motion was seconded and the minutes were approved.

The topics addressed in this meeting include: (1) Memorial Gardens; (2) Conflict Of Interest Policy; (3) Vacant Housing Ordinance – 2101 March Road; and (4) F.E.M.A. Resolution

### **Memorial Gardens**

During Q4\_2013, the Civic Committee assumed the responsibilities of the C.P.C. in its oversight of the Arden Memorial Gardens. It was subsequently determined that the transfer between committees must be approved by the Village Assembly and not the Advisory Committee. Ray reports that a motion will be made at the upcoming Village Assembly on September 22nd to officially transfer oversight back to the C.P.C.

During its brief oversight, the Civic Committee determined that the Arden Clubs' outdoor stage was done without a building permit while encroaching on the lands of the Memorial Garden. It was demanded that this be cured immediately. New Castle County was also notified of this illegal construction and encroachment with an official notification of violation ensuing.

Since the outdoor stage is effectively a permanent fixture, it was initially requested that the two groups arrange a mutually agreeable "land swap". C.P.C. member Ron Meick, as a board member of the Arden Club's, indicated that an agreement was agreed upon by the two parties, however, New Castle County (N.C.C.) would not officially recognize this arrangement due to the original violation, thus deeming this "land swap" as an illegal subdivision.

Ron Meick subsequently opened a dialogue with N.C.C. Land Use for the purpose of curing the existing violation and legally correcting the encroachment. It was determined that an exchange of land between the two parties could be accomplished through a reciprocal easement, however, an official variance from N.C.C. must first be obtained through the County Commissioners. The variance was required since the location of the outdoor stage violates the setback requirement within the applicable zoning district.

Ron indicated the approval process required a public hearing and a detailed survey and engineering study. Approval was subsequently provided during August and a licensing agreement was executed between the two parties. This dispute cost \$7,000 to \$8,000 to legally correct.

Lastly, Ray is planning an open forum on the Memorial Gardens at a future date.

### **Conflict of Interest Policy**

Ray indicated that the Conflict of Interest Policy will be presented as a policy to be voted on at the upcoming Village Assembly. The Conflict of Interest Policy has been in preparation during C.Y. 2014 with input from the C.P.C., the Advisory Committee and through an open forum on July 16, 2014. The committee members read the latest draft and presented Ray with additional comments. The last of the scheduled open forums will follow tonight's C.P.C. meeting.

Ray indicated that the final draft policy will be completed subsequent to this last open forum and then submitted to the Village Assembly on September 22, 2014. Ray is very hopeful that this policy will offer an enhanced transparency to Committee and Village Meetings.

### **Village of Arden Vacant Housing Ordinance**

The vacant home at 2101 Marsh Road has been in violation of the Village's Vacant Housing Ordinance as well as with multiple New Castle County Ordinances related to appearance and safety. The house has been vacant for years since the death of its long standing owner and an unresolved Estate. Consequently, the property has fallen into a serious state of disrepair and is effectively uninhabitable and an eyesore to the surrounding homes. Nonetheless, it is noted that the land rent is current, but the fines accruing from this ordinance are still outstanding.

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The reason that no action has been taken to date is the fact that the prior owner died intestate without a will. As such, N.C.C. has been precluded from any action until the Estate is legally established and heirs identified. The prior owner has a daughter who has an interest in the Estate, but who lacks the financial resources to legally establish the Estate and take her rightful ownership through succession.

The Trustees Of Arden are currently examining this dilemma along with the potential options legally permitted under their leased fee estate for assisting in establishing “clean” ownership of the leasehold estate. Ray will continue the dialogue with the Trustees in the days ahead.

### **F.E.M.A. Resolution**

Ray continues to work with John Cartier (Arden’s County Representative) and Dave Carpenter (County’s FEMA Specialist) on the Village’s official induction into the F.E.M.A. program. Ray had no additional news on this project.

The meeting was adjourned by Ray Seigfried as Committee Chairman at 7:26 PM

Meeting minutes compiled and prepared by Dan McNeil.