

## **GTF: Ordinance and Policy Sub-Task Force Meeting Minutes**

Tuesday, April 19, 2022

Attendees: John Scheflen, Kate Threefoot, Bev Clendening

John called the meeting order at 7:35

Bev asked for clarification about the status of the recommendations related to the ordinances that the committee had agreed on at the March meeting of this sub-task force and which were brought up at the General GTF meeting. After some discussion the committee remains unsure of the status of our recommendation. It was agreed that the full task force did not discuss our recommendations and that they should be brought up again at the full GTF meeting on March 24.

We continued to refine recommendations regarding ordinances as presented in the document provided prior to our first meeting.

The committee agreed that the Charter should contain definitions of ordinances and resolutions, noting a major difference between the two being that ordinances are enforceable by fines whereas resolutions are not.

The committee agreed that Ordinance recommendation 3 (*Consider adding a provision to the Charter permitting waiver of reading a proposed ordinance if the text has been provided to residents prior to the meeting.*) should be removed.

We next turned to a discussion of policies. We agreed that recommendation 1 (*Revise the Charter to clarify whether resolutions may be enforced by fines and penalties*) should be dropped; resolutions are not enforceable by fines. Recommendation 2 was modified to read “*Consider implementing a method to compile and retrieve resolutions adopted by the Town Assembly by date and content.*” Kate suggested that we talk to Steve Benigni who has read all of the available minutes of past town meetings. Regarding recommendation 3, the committee agree that non-routine resolutions need not be submitted to a Committee before being presented to Town Assembly.

We next moved on to a discussion about policies. It was pointed out that there is no obvious place where a resident or other interested party can find a list of the Village policies.

For example, it is not clear how decisions made by the various committees, is it majority vote? How are decisions made about spending of committee budget, who can authorize spending? Where can one find hiring policies? Is there a policy for submitting complaints – to who, how reported and recorded? Who can create a policy? Are policies approved by Town Assembly?

The committee discussed and approved the following amended recommendations:

1. *The sub-task force recommends that the GTF create a compilation of policies and procedures and that these be placed in a prominent position in the Village webpage.*
2. *The sub-task force recommends that the GTF determine who has authority to create, amend or appeal a policy.*
3. *The sub-task force recommends that the GTF present a resolution to the Town Assembly providing that any policy or procedure or amendment to a policy or procedure adopted by a committee be reported to the Town Assembly at its next regularly scheduled meeting and if this resolution is adopted that the changes be added to the compilation of policies.*

The next topic under discussion was Ordinances 1 and 2. John presented the committee with a document outlining the known history of Ordinance 1, the full text of which has been lost, and Ordinance 2. These ordinances deal with motor vehicle code. Because we do not have the text of Ordinance #1, it will be necessary to repeal Ordinances #1 and #2. Title 21, Chapter 41 of the Delaware Code, relating to operation of motor vehicles, provides that, “local authorities [includes Arden], except as expressly authorized by law shall not enact or enforce any rules or regulations contrary to this chapter. The speed limits imposed on Arden streets as found in the summary of Ordinance 1 are not in compliance with Delaware Code. We are unsure if there are other exceptions. The committee agreed with the following recommendations suggested by John:

- 1. Conduct a more detailed review of Title 21, Chapter 41 and Ordinance #1 to see if there are other provisions that are specific to Arden that need to be addressed in any amendment or replacement of Ordinance #1.*
- 2. Consider an amendment to Ordinance #1 deleting the text in its entirety and replacing it with an incorporation by reference of Title 21, Chapter 41, of the Delaware Code “as from time to time amended.”*
- 3. Determine whether Chapter 41 applies throughout the State of Delaware so that it need not be incorporated by reference into Arden’s ordinance.*
- 4. Determine whether the conditions in Section 4170(a) of Chapter 41 to the adoption of the 20 mph speed limit have been met.*

Kate shared her work so far on Ordinance 3 which concerns the transfer of local services. She will report on this at the next meeting.

Bev reported on her progress on Ordinance 4 and 11. Ordinance 4 concerns the Use of Commons. This ordinance was updated in 2010 and probably does not need any major revision. Bev spoke to Carol Larson about Ordinance 11 which concerns encroachments on the right-of-ways. She pointed out that the ordinance was focused on safety for pedestrians on Village roads and to provide for temporary parking on Village streets. The language in the Ordinance appears to make the right-of-ways much greater than what was intended by the Ordinance. The Ordinance reads that “*The right-of-way shall be determined by the distance from the center of the currently paved road or path to the leasehold*” followed by a list of right-of-ways for all streets in the Village. According to Carol Larson, the entire right-of-ways for a street is the measurement as stated in the ordinance with the center point of that measurement in the center of the present road. Carol and Bev suggest that these rights-of-way may be more than is necessary for safety purposes. In addition, present structures and plantings within rights-of-way are numerous and their elimination would change the appearance of Arden. Bev plans to visit a sampling of leaseholds and, with leaseholder permission, record via photograph where the limit of the right of ways is on these lease holds, using the definition above. The committee noted that a resident at the public meeting suggested that the set back should be enforced uniformly in the village

and not only when a complaint is lodged. Bev also plans to meet with the Safety committee and to speak with community members who have dealt with this issue in the past.

Finally, the members of the Committee volunteered to work further on various ordinances as shown below:

John: Ordinance 1, 2, 9 and 15

Kate: Ordinances 3, 6 and 10

Bev: Ordinances 4, 11, 12, 13

The meeting was adjured at 8:43 PM