

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 6, 2016

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:00 PM by **Ordinance Chairman, Cncl. Bob Heffner** in the Second Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (*NJSA 10:4-6 thru 10:4-21*). Notices were placed in the official newspapers for the Township of Monroe (i.e.: South Jersey Times, the Courier Post and the Sentinel of Gloucester County) and copies were posted on the bulletin board at the Municipal Complex.

SALUTE TO THE FLAG

Cncl. DiLucia led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walt Bryson		Excused
Cncl. Frank Caligiuri	Present	
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Ord. Chairman, Bob Heffner	Present	
Mayor Daniel Teefy		Excused
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Dir. Public Works, Mike Calvello	Present	
Dir. Community Development, Rosemary Flaherty	Present	
Police Chief, John McKeown	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Dilks made a motion to approve the minutes as submitted of the June 1, 2016 Ordinance Committee Meeting. The motion was seconded by Cncl. McIlvaine and unanimously approved by all members of Council in attendance.

C.) PUBLIC PORTION

Cncl. Pres., Miller made a motion to open the Public Portion. The motion was seconded by Cncl. DiLucia and unanimously approved by all members of Council in attendance. With no one wishing to speak Cncl. Pres., Miller made a motion to close the Public Portion. The motion was seconded by Cncl. McIlvaine and unanimously approved by all members of Council in attendance.

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- Chapter 109 "Circuses and Carnivals"

Director of Community Development, Rosemary Flaherty explained the ordinance is being amended to include a Safety Plan that would be approved by the Chief of Police prior to a zoning permit being issued. Chief McKeown added this will give the Police Department an opportunity to address our concerns since over the last couple of years carnivals were approved by the township but the Police Department was not advised of them in a timely fashion and there were some safety concerns. More importantly we lacked the power to do anything more than suggest. We are not looking to change any of our operating procedures, as St. Mary's and the Huddle Club has worked well with the Police Department but should we have someone from out of town that does not work well with us we will now have the ability to review the application prior to Council granting the permit. Cncl. Heffner questioned whether this would give the Chief the authority to designate the number of officers assigned to an event. Chief McKeown felt that it would but explained that he is not as concerned about the number of officers as he is about a reasonable safety plan. Solicitor Fiore explained under Section C language was added that under the zoning permit process an applicant must submit a Safety Plan along with their zoning application and as a condition of that permit the Safety Plan must be approved by the Chief. Language dealing with public events was also added. The old ordinance requested applications to be submitted within three days. This ordinance increases that time period to thirty days so there is no rush in getting the permit approved for an event. Cncl. Pres., Miller questioned whether events have taken place without a Public Safety Plan and if the Police Department would work with organizations to create an adequate plan. Chief McKeown explained events have been approved and close to occurring without any input from the Police Department. The department will work with organizations to help get their permit approved just like we do when public works contractors come into town and their Work Zone Safety Plan is not up to par. The Chief explained currently he has no say in whether an event should move forward or not and if a vendor doesn't want police officers the town is stuck footing the bill for police services for the entire event. He added there have been issues with charity event runs along Tuckahoe Road because the Police Department was not told about it until the last minute. Mrs. Flaherty advised every public event will need a permit. She noted once the ordinance is codified she is going to send it to all the organizations and put it on the Township website and social media network to let people know permits are required. She noted this needs to be in place because during the Racks event children were running across the highway, which was a dangerous situation and at that time no plan was in place and they were balking at us about having one police officer there. Cncl. Heffner questioned whether the township has the authority to enforce this on private property. Solicitor Fiore replied we certainly do if the event is going to spill out on township property such as the Huddle Club carnival did. They have to get a zoning permit so as a condition of that permit we can require it off-site and on-site. Cncl. Heffner questioned whether the Township would have been involved in the food truck event at the Estate of Monroe (*Knights of Columbus Building*) if it were not for the parking on the Black Horse Pike. Mrs. Flaherty replied yes. Chief McKeown added especially because liquor was involved. Mr. Fiore spoke of how the attendance being better than expected and suggested the Safety Plan next year prohibit parking along the Black Horse Pike. Shuttle buses could transport people back and forth. Cncl. Pres., Miller noted shuttle buses transported people from Sam's

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Club as well as other places this year. Mrs. Flaherty explained the application will come to her, she will send it to the Chief and when he signs off on it she will issue the zoning permit. Cncl. Heffner polled Council and all were in favor of moving the ordinance forward for First Reading at the July 11th Regular Council Meeting.

- Certified Contractors List for Emergency Construction Work

Mrs. Flaherty explained this ordinance is needed due to dilapidated properties located throughout the township that are becoming a public safety hazard. This will give us the tools to have Council approve up to six local, licensed, bonded and insured contractors to perform all the tasks (*boarding, roof work, grass cutting, etc.*) included within the ordinance when there is a public safety hazard. This will prevent a hazard from sitting for two months while we are trying to contact the bank to take care of a situation. She gave the example of 115 Jobs Lane. That property had been in violation for at least two years and if it wasn't for an MMUA worker that ran across the street to warn her she would have fallen into a debris covered in-ground swimming pool filled with water and rodents. That is the typical example of properties that need to be taken care of when the responsible people don't maintain them. Maintaining these properties will also benefit the surrounding homes and there is a financial benefit to the township as well because a lien that earns 18% can be placed on the properties to recoup the maintenance costs. Cncl. Heffner questioned how the rotating list of contracts would be handled. Mrs. Flaherty explained the Mayor, with the consent of Council, will appoint on a yearly basis one person from each division of local government as a contact person. She will be Community Development, the Chief will be the Police Department, the Fire Chief for the Fire Department, etc. The six contractors will be listed in alphabetical order and when an emergency arises the contact people will be emailed of what took place so they will know what contractor to call from the list when the next emergency arises. Hopefully in the future when the vacant properties are handled the contractors will be utilized for instances such as when a house burns down or because of a police raid but right now there are so many abandoned properties out there that need to be addressed and we got a late start on them. Everyday the Sheriff's Department is emptying out houses and piling stuff twenty feet high and people are living next door to that. Windows and doors are being left open and the houses are being broken into so this will stop all of that. Solicitor Fiore recommended an RFQ be sent out for the contractors so we can make sure the person is qualified to do the work. Mrs. Flaherty agreed and noted she did detail that in an email. Contractors will need to be approved by Council on a yearly basis and they must be bonded and insured. Cncl. Pres., Miller added before Mrs. Flaherty there was no contractor list there was just a group of random people that someone had selected and we are trying to establish a process that will protect the township as well as the individuals performing the maintenance. Cncl. Heffner noted it protects us but it also makes us liable because we are now maintaining properties no one else wants. He added he has a problem with three or four officials making a decision on when grass needs to be cut as he felt officials can make the complaints but one person should have control of the list and make the decision when to call a contractor. Mrs. Flaherty noted she wouldn't mind having control over the list because when she goes out on inspections and sees high grass she brings that information back to the department that handles it. Solicitor Fiore explained that falls under a different process and the last known owner of the home would be notified. Cncl.

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Heffner added he didn't see that process in the ordinance. Mrs. Flaherty noted this is more for abandoned homes; the person living in the home would be issued a violation and taken to court. **Cncl. Caligiuri** suggested including language to allow the person assigning the contractor use his/her discretion based on the scope of the work so the person with the best expertise in the work needed would be called. **Cncl. DiLucia** agreed with Cncl. Caligiuri and noted he would stay away from any obligation on the part of the township to provide equal work to anyone because then we would be committing ourselves to a financial obligation. He felt it should be up to the administrator to have the most qualified person perform the work. **Cncl. Dilks** questioned whether the list would be contractors just from town or would out of town contractors also be included. Mr. Fiore felt it could not be limited to in town but the ability to respond in a timely fashion should be part of the RFP. He recommended adding the language "*being on a rotating basis and based upon the ability of the contractor to perform the services necessary at the sole discretion of the Director of Community Development*". Cncl. Caligiuri felt that language would be subjective due to "*whoever has the ability to do it*" depends on how it is interpreted. Cncl. DiLucia recommended staying away from anything that places an obligation on the township to give any kind of rotation, as he felt it should be the township's sole discretion to choose an individual to perform a task. If not, we will hear "*I was available to do it*" and we'll end up in court over it because no matter how much work is put into crafting the ideal ordinance when you get into rotation and qualifications there are problems so that is an area we need to avoid. Mr. Fiore explained the request for proposals will generally be for property maintenance companies and they should be required to have the ability to perform all tasks. Cncl. Caligiuri commented there is a big difference in someone who has the ability to remove a big tree and a handyman. Cncl. DiLucia added he would not have a problem following a rotating list provided the ability to perform the job is taken into consideration, as that gives us the right to select in some circumstances. Solicitor Fiore cautioned that by one person making the call we could get into a situation where calls seem to be favoring one contractor. Cncl. Miller felt if left to the discretion of one individual it should depend on the scope of the work, as that would give a little more flexibility but it would still be fair because the language in the ordinance would require contractors to rotate. Solicitor Fiore suggested property maintenance companies that perform services from replacing toilets to plowing snow such as Peco Property Management that performs the maintenance for WAWA as that might may avoid problems in the future. **Chief McKeown** noted whenever his department needs something done it is at the worst possible hour such as the middle of a rainy night on a holiday weekend when some of the command staff are off. He noted when a system is established he will need to put it out to the senior members of his staff or to the County so everyone is aware of the next person on the list. Mr. Fiore requested clarification on whether the rotating basis was being deleted and if it would be sole discretion. He referred to 104-52.10 d. and recommended including the language "*the governing body requires a request of proposal*". He added everyone wants to move this ordinance forward so between First and Second Reading the RFP can be prepared and if anyone is not happy with that the Ordinance could be tabled at that time. **Cncl. McIlvaine** spoke of the Director of Public Works telling him that his men are becoming overwhelmed with maintaining and cutting grass on all the vacant homes and he questioned whether a second ordinance should be done to go out to bid to cover that type of maintenance or should this one be expanded because the guys are not going to be able to continue cutting grass for 100, 200 or 300 vacant properties. Mr. Fiore felt that might

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make it easier because property maintenance people may not want to get into the landscaping aspect of it. Cncl. Pres., Miller questioned would the contractors also have authority to cut some of the basins in instances when there is a lot of rain and Public Works get behind on cutting those areas. The response to that question was no. **Director of Public Works, Mike Calvello** explained his Saturday crew cuts properties from a list generated by the Board of Health. Lawns are cut to make properties look presentable but the homeowners on each side are concerned about the bushes being trimmed or ivy growing up the fence so our crew can spend hours at one yard trying to beautify the place when there are hundreds of properties on the list that need to be addressed. He questioned whether the properties should just be made presentable by knocking down the high grass or should the crew spend hours at one location trying to beautify it. Cncl. Heffner questioned whether Mrs. Flaherty would say it is an emergency and go through one of the contractors to do the whole nine yards the first time we get a call regarding an unmaintained yard and then after that go out to bid to do routine maintenance. Mrs. Flaherty replied no, what she was saying is that if there is a public safety issue it would fall under this ordinance. What Cncl. McIlvaine is saying is that we put out an RFP for a landscaper who will take the list and every two weeks cut the lawns when needed. The bill will be sent to the township and the Abandoned Property Administrator, Tara Park will send it to the mortgage company that owns that property to recoup those costs within a certain number of days, as it is up to them to maintain the property. Some towns have a third party agency that comes in and does all the abandoned properties and the township just recoups a portion of the money from the registration fee. Cherry Hill makes over \$100,000.00 a year doing it that way and they do no work. Cncl. Heffner questioned if the bank doesn't maintain the property and the township gets someone out there every two weeks to cut the grass do we place a lien on that property every time the grass is cut. Mrs. Flaherty replied no, a lien will be placed only when the banks do not reimburse the township for cutting the grass. There are standard reimbursement rates that are calculated according to the square footage of a property so when we put out an RFP we need to look for the best rate we can get for the township. We are not looking to hurt anyone we just want to keep the township in compliance so if Papson Landscaping says they will cut it for \$25.00 and American Landscaping says \$50.00 you would obviously go with Papson who gave the best rate. They must be insured and bonded to be selected by the township and they will work directly with the Abandoned Property Administrator. People living in their homes that received violations will be taken to court. Mrs. Flaherty spoke of a resident that has a business in the Business Park on Glassboro Road who does property maintenance and he is willing to speak to Council about it as there are new materials that can be utilized on windows to secure a house instead of boarding it up. Cncl. Heffner questioned whether an administration fee would be charged every time the mortgage company is contacted. Mrs. Flaherty advised there is a fee in this ordinance but in an ordinance for landscaping Council might decide that \$250.00 fee is excessive. Cncl. Heffner noted this ordinance states an operating sump pump must be maintained and he questioned whether the township would pay for electric in an abandoned house because if there is no electric there is no sump pump. Mrs. Flaherty noted we may have to place a temporary generator on site. Cncl. Heffner noted we do not have enough generators and Solicitor Fiore advised that is going above and beyond of what the township has to do to make sure the property is secure. Mrs. Flaherty advised the ordinance includes a basic list of what Fannie May Mortgage Company will reimburse us for but Council can eliminate whatever they want from that however, at some point

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a house filled with water will need to be pumped out. Cncl. Dilks noted a sump pump is stationary so a three inch submersible pump might be needed in those instances and you can use gas to do that. Cncl. Heffner noted that is in an emergency situation but the ordinance is requiring every house to have an operating sump pump so with no electric he was trying to figure out how that could be done. He recommended that language be deleted. Mr. Fiore indicated he would delete it. Cncl. Dilks questioned if we are paying the landscaper \$25.00 to cut the grass are we still going to charge the banks the administrator fee. Mr. Fiore advised we could but he suggested looking at Cherry Hill's policy just for the lawn maintenance since right now we have Tara, Vickie and three or four Public Works guys involved in lawn maintenance. He added this ordinance could be moved forward for First Reading while we are looking into that because it is really needed and if there are any minor changes they could be done prior to Second Reading. Cncl. Heffner polled Council and all were in favor of moving the ordinance forward for First Reading at the July 11th Regular Council Meeting.

• Chapter 230 "Peddling and Soliciting"

Mrs. Flaherty explained the Peddling and Soliciting Code does not require nonprofit people to pay the \$600.00 license fee and she is trying to identify and uniformly correct the Code so each section is mirrored for nonprofit organizations to prevent discrepancy of who pays and who doesn't pay. In some instances fees are exempted by the department or by the board because that is how it has always been done even though there is nothing in the Code about it. In other instances a resolution must be adopted by Council to exempt a fee. She explained when she found out nothing says zoning permits are exempted it was concerning to her because her name is on those permits and that is why she feels the Code should mirror what a nonprofit is and identify those people that fees are exempted for. Cncl. Pres., Miller questioned whether she was talking about a 501C3 status. Mrs. Flaherty replied yes, not a 501C6 because there is a certain amount of profit for that. She noted she wants to know what is a 501C3, what is actually exempt, who are the people, is it the Huddle Club, the Girl Scouts and veterans or is it churches and so forth that have fairs and bazaars that are for profit. She noted it is up to Council but the ordinance is not clear and remarks that it has always been done like that do not work for her. Cncl. Heffner questioned whether Mrs. Flaherty was trying to get fees waived at the office level instead of by resolution from Council. She replied yes because that would make things a lot easier. The Statue says if Council adopts an ordinance nonprofit organizations such as the veterans would not have to wait for a resolution to be adopted they would have been able to be exempt automatically. Cncl. McIlvaine questioned whether the fee exemption would be for just a true nonprofit 501C3 status. Mrs. Flaherty replied that is correct. Fees can be exempted for veterans or fireman with a certain number of years of service to the state. Council could also include sports organizations or they could reduce the fee from \$75.00 to \$20.00 if they want to. Council exempted fees for a church to hold flea markets but that church is not even in operation and they are having flea markets there every weekend for profit. Cncl. Miller felt this should be addressed creatively because he has worked for nonprofit organizations and just because they say nonprofit they still have overhead costs and he would have a real problem exempting fees for an organization that has a million dollar budget verses someone with a \$20,000.00 budget. He added he would say 100% yes to any veteran organization but his concern is when we start getting

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into the 501C3 status there are some nonprofits he felt should not be exempt from fees. Mrs. Flaherty added 501C6 makes a profit. There are daycare facilities that are 501C3 but that means there is a board of directors, which are family members and at the end of the year they have a zero balance and that is not fair to a daycare provider that is paying all the fees and taxes. Cncl. Heffner felt this should be more defined before any changes are made and he requested Mrs. Flaherty and Mr. Fiore to put something together for this.

- Redevelopment Plan - 1030 North Main Street

Planner Tim Kernan explained 1030 North Main Street was declared an area in need of rehabilitation and so far Cross Keys Brewery, which will be located in the back building, is working on their paperwork with the State so that business will be coming to the township soon to get their approvals. This plan allows them to move forward because right now that property is zoned R2 Residential and it has had prior use variances granted. This plan allows for those prior uses and some other neighborhood type commercial uses to be permitted on the property. There are also some design guidelines that speak more to any real new development; meaning standards are included if buildings are knocked down and new buildings put up or parking is added or reconfigured. Standards that apply to the current condition would be looked at a little differently than under a total redevelopment. Cncl. Heffner questioned what exactly are they trying to do with property? Mr. Kernan explained the recent purchaser, Dottie Bolinsky and her husband buy properties, renovate them and rent them out. The tenant for the back building is Cross Keys Brewery. The apparatus to make beer will be in there and there will be a tasting room that will be open certain hours during weekdays and weekends. They want to grow this business and retail their beer in different establishments. Dottie has no users/tenants defined for the middle building or the front house. Cncl. Heffner questioned whether the microbrewery was an approved use for that property. Mrs. Flaherty advised it was not but the property did have a lot of use variances on it because it was always used as a commercial property. The idea was not to have a highway commercial use there but to have a more softened neighborhood commercial use in the hope that the microbrewery will take off and a restaurant will occupy the front building and possibly utilize the middle section as well. This is an opportunity to redevelop the site that was previously the Olde Chapp Candle Factory, a limousine company and an electric company. It was always used as a commercial site, has had use variances on it and now there is an opportunity to revitalize the property again. There will not be much of an opportunity to take advantage of any kind of tax break because a significant amount of improvements have already been done on the back of the property. The house in the front has been in poor condition for a long time so if it was rented to a restaurant they would be able to take advantage of a tax break on the total added assessment. This is a stepdown from redevelopment. Cncl. Heffner questioned if the neighbors complain about the microbrewery does that void everything that has been done there so far. Mrs. Flaherty advised that it would not. Cncl. Dilks advised years ago when Mike Gabbianelli was mayor Don Kensey owned the property and he wanted to hook up to the sanitary sewer located in Candlewood. Mike approved that with the condition that Don was to maintain the easement as far as cutting the grass. Cncl. Pres., Miller noted the township owns the easement and could make money from that because the new owners were trying to enter into an agreement with us for additional parking. **Emily Givens, Esq. of Maley and**

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Associates explained the way the plan is written and what her office recommends is that the plan be adopted in order to utilize this zoning. The property owner would enter into an agreement with the township and thereby the township can require an easement agreement to allow certain things and the redeveloper would have certain obligations. That is how you create a relationship between the redeveloper and the tenant and the township has a little bit more control over what happens aside from the site plan control it has. The township has the opportunity to negotiate an agreement that will allow some say in regards to the concerns of neighbors, of maintaining the grass strip, of parking, of hours of operation and other types of things that you would not generally be able to regulate because it would not be standard in the code or would not be a Planning Board matter but is a concern to Council. Right now in order for them to use this zoning they have to agree to a redevelopment agreement that Council is comfortable with as the redevelopment entity. To utilize this zoning they have to agree to a redevelopment agreement but Council could remove that and then they would just go before the Planning Board for site plan approval to make sure their plan is compliant with the requirements of the plan. Ms. Givens stated that is not our recommendation but that is entirely up to the Mayor and Council to decide how they want to proceed with that. **Cncl. Heffner** commented that if Council approves the redevelopment they will still go through Planning with their plan for the microbrewery. **Cncl. Dilks** noted Council will still have the last say on the agreement. Ms. Givens explained once the redevelopment agreement is negotiated Council will have the opportunity to review it and then a resolution must be adopted authorizing its execution so Council does have the last say on that. **Cncl. Heffner** commented that Mrs. Flaherty has been involved in a lot of redevelopment and he questioned if the plan looked good to her. Mrs. Flaherty replied yes. This is a good fit to the area. The tenants were encouraged to split the property and they are looking forward to this moving forward as they have been paying rent since May and want to get in there so they can get their licenses from the State. Ms. Givens explained if Council decides to adopt this ordinance, a resolution must be adopted at the July 11th Council Meeting referring this to the Planning Board for review to make sure it is consistent with the Master Plan. The Planning Board must adopt a resolution and make a recommendation to Council before this can be adopted. **Cncl. Heffner** polled Council and all were in favor with the exception of **Cncl. Heffner** of moving the ordinance and resolution forward for First Reading at the July 11th Council Meeting.

- **Williamstown Square Redevelopment Area**

Tim Kernan explained the Williamstown Square Redevelopment Plan had been adopted a number of years ago for an all commercial/retail project. Benderson bought most of the ground in the area and recently came to the administration seeking to change the plan to mixed use. Around the same time the Acme Plan was amended to take out the 250 residential component because RD Management had never come forward with a plan consistent with the Redevelopment Plan, which was a total overhaul of the Acme property. The amended plan was forwarded to the Pinelands for certification but the Pinelands still has not certified it and we keep seeking extensions. The current extension expires September 30th. After Stuart Waingberg of the Benderson Group came forward with the request to go mixed use we looked at the opportunity to move the residential from the Acme side to the Williamstown Square side of the pike. The amendment to the Acme Plan took out about 250 residential units and in this plan we are calling

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for a maximum of 350 residential units and a minimum of 60,000 square feet of commercial, which is different from the current plan of 325,000 square feet of commercial/retail and no residential. The Pinelands is still requiring the township to find a home for those 250 units that were taken out of the Acme Plan so this seemed like a logical spot if we can come up with a really mixed plan with a very high level of architecture unlike the development on Berlin Cross-Keys Road. That mixed use project is really not mixed because it is apartments behind commercial pads. The intent for this plan, which is spelled out in words and pictures is for an intergraded mixed use project that promotes residential above retail and office so it is a completely different idea for this property. Cncl. Caligiuri questioned if the Pinelands only required the township to move 250 units over to the other side. Mr. Kernan replied yes, that would be the number that would satisfy them. Stuart wants 1,000 units and said the more the merrier as he could do a better project with more. Cncl. Caligiuri noted when Guzzo did his project he said he couldn't make it work with that much residential versus that much commercial and ultimately he did because he had no problem renting out the pad sites. He noted retailers are competing on the internet but 250 versus 350 is a lot of extra houses so can we meet somewhere in the middle on that. Mr. Kernan explained the number is up to Council. Stuart's initial request a summer ago was 300 to 400 and an architect that works for Benderson in New England did a sketch in the 250/260/270 unit range. Mr. Kernan noted his office has done a couple of sketches; one last summer and one as part of the process in creating this plan and they were also in the 250/260/270 range and one that was done recently as part of this plan is for a few hundred units. Mr. Kernan noted he felt comfortable putting a maximum of 350. We also have percentages in regards to the number of units that have to be less than a specific number of stories and there has to be a minimum percentage of townhouse units versus multi-family buildings. Council questioned the number of bedrooms and it was noted that was covered in the plan. Mr. Kernan explained he wanted to come up with a ceiling as he expected a developer would step forward someday with a plan that they would present to Council to hammer out a deal. Cncl. Pres., Miller noted in regards to the residential units the Pinelands is only requiring 250 units but the original plan was for 400 so was that bumped up to factor in the affordable housing component. Mr. Kernan replied not necessarily but it all goes into the mix. Cncl. Pres., Miller questioned if it was correct that Stuart's original proposal called for less commercial space because he wanted to do single family dwelling components. Mr. Kernan replied yes. Twin homes were spread out in their concept but they didn't seem to fit. Cncl. Pres., Miller noted we could knock the number down to what the requirement is. He questioned because we have condemnation included in this redevelopment plan could we put the plan out ourselves for an RFP and have another developer do it if Stuart decides not to move forward with the project. Mrs. Givens replied yes, from a legal prospective the township has authority to do that under the original designation, which was done at a time when all designations were considered to be condemnation designations. The Plan identifies that the township reserves the right to exercise eminent domain if necessary. One avenue that can be taken is to put out an RFQ/RFP based on the plan and from the responses we get back we will find out how realistic the plan is. A requirement in the RFP would be that if the developer was not Stuart and Benderson their proposal would include how much they would pay for the property. Cncl. Pres., Miller questioned is it correct that regardless of the outcome we would still have to have the 250 units. Ms. Givens explained from the Pinelands prospective the township must find a home for those units. Mr. Kernan added the Pinelands will not certify the amended

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Acme Plan because the residential component was removed and they felt by taking it out we were taking out the ability for PDCs to be purchased by developers and they didn't like that. Solicitor Fiore noted he understands the whole point of condemnation but in knowing all the personalities having dealt with Stuart and Benderson this would obviously be tied up in litigation for the next twenty years or so. Ms. Givens noted the condemnation may be in regards to the evaluation issue but when the area was established as an area in need of redevelopment the public purpose and the authority to exercise eminent domain was established and they cannot now challenge the township's right to take the property to satisfy that public purpose. What he can challenge is evaluation but in order to exercise the authority of eminent domain you have to get a fair market appraisal and you have to pay fair market value and that money must be put into a trust fund simultaneously with filing the paperwork. The township could require any potential redeveloper to negotiate with them to acquire the property on their own and just because you have that authority doesn't mean you have to exercise it. Solicitor Fiore questioned if the money deposited in the trust fund would be the value of the raw land or the value of the end product. Ms. Givens replied the current value of the property. Cncl. Pres., Miller noted Stuart had said he wanted 1,000 units, underground parking as well as other stuff so if we say we want to knock the number down and he doesn't want to work with us we have the "nuclear option". Ms. Givens answered Council does have that authority from the original adopted plan. It is a last resort but if the township has a piece of property that Council feels other developers are interested in and will develop in accordance with what the township is looking for in terms of development on that site there is that option. Solicitor Fiore questioned as a planner did Mr. Kernan feel 250 residential units could make it a profitable investment in today's market. Mr. Kernan replied he didn't know and couldn't answer that. He added today we have developers with thousands of units of approvals and they have not pulled the trigger because there is no market. Cncl. DiLucia commented that he does not understand why we are in such a hurry to make this a mixed use property, as there is not a final agreement and the commercial space may not yield enough to pay for what those residential properties will cost us. He noted it is not worth changing a valuable commercial property to mixed use because time creates a need for land and it is just a matter of time until a commercial corridor comes here and selling off a valuable piece of commercial property might wind up costing this township money. He noted before he would ever agree to this he would want to know what the 60,000 square feet will yield in terms of revenue and what is the makeup of the residential units. Are they townhouses, condominiums or apartments and what will the tax yield be from that? He added he wants to know what the financial equation is after this process because in his opinion we are giving up a valuable piece of property on the Black Horse Pike that we could build all commercial on. Cncl. Caligiuri noted we can't build all commercial because we are still stuck with the 250 residential units the Pinelands wants credits for. Council questioned whether that could be kicked back over to the Acme side. Cncl. Pres., Miller felt then nothing would be done and it would sit there. He added how many Councils have contemplated this plan and nothing has been done while all the other towns are developing around us with mixed use. Cncl. Heffner commented that sometimes doing nothing is better. Cncl. DiLucia added as the population moves down from Washington Township it is inevitable that ground will be in demand and we will have nothing to offer. He explained he would not have a problem if this was going to be a tax friendly project but if not, it should not be done just

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to put something on that property. He noted he wants to see the numbers, what the tax base will be and what the potential for commercial will be in terms of the tax yield. He also wants to know the number of children that will need to be educated and that number can be estimated based on the type of residential they want to put in. We know the cost of education and what that does to taxes so we need to look at those numbers and be careful. Mr. Kernan advised this plan does require the redeveloper to come before Council to identify how many townhomes, apartments and the number of square feet for restaurants or retail. Cncl. DiLucia suggested before any further steps are taken that we get an agreement from Stuart about what he is proposing to build here. Cncl. Pres., Miller noted he won't do that. Cncl. DiLucia added then let him sit on the property the way he has been doing while making promises over the years. Cncl. Miller noted this plan comes in if he doesn't want to move. All we are doing is moving 250 residential units to the other side of the pike and before anything happens the developer must meet with Council and we have to agree to the plan, we don't have to accept it. Cncl. DiLucia noted this Council would be agreeing to a redevelopment plan that gives up a commercial site and we should not be doing that unless we know where it will bring us. Ms. Givens explained in terms of the redevelopment plan in order to utilize the zoning set forth in this plan the developer, even though he is the owner of the property, has to enter into a redevelopment agreement with the township. Council has a lot more control through the redevelopment agreement process than through a land use process and if they find this plan or what he is proposing is so outrageous that it could not possibly be approved than it should not be approved. If Council finds someone with a project that satisfies the dictates of this plan and would provide rooftops and commercial opportunity they would enter into a redevelopment agreement to assure the infrastructure is done, the administrative fees are paid and that other business terms/deals, such as a long term pilot where 5% of taxes go to the County and 95% go to the town, will benefit the township. Council can then make a determination how they want to spend that money for schools, towards bonding road improvements or for the capital fund so there is a little bit more of a business deal to make in terms of redevelopment and you need a redevelopment plan in place to do that and to enter into a redevelopment agreement. Cncl. Caligiuri asked Mr. Kernan if the township is stuck with 250 residential because of the Pinelands. Mr. Kernan answered it appears that way. We could try to appeal to them again. We tried once a couple years ago and it didn't work but we could try again. Cncl. Caligiuri noted he knows the Pinelands Commission and they won't do much for us. He questioned from what Mr. Kernan has seen in plots around the same size were there between 250 and 270 units. Mr. Kernan replied yes in concepts and the last one in this plan is 300. Cncl. Caligiuri questioned if the township has liberty to say 65% or 50% of the units should be single bedrooms or for seniors. Mr. Kernan replied yes we can control that. Just the affordable component has its own set of rules. Cncl. Caligiuri questioned if Mr. Kernan felt Stuart would meet in the middle for a maximum number of 300 units with strict control over the number of bedrooms or senior living depending on the concept since he wants 900, 600 or 500 units. Mr. Kernan answered after sitting with him for two hours a couple of weeks ago he felt Stuart would not buy into this, as he made it clear Benderson does not do residential and is looking for a partner for the project. Cncl. Heffner noted by agreeing to this plan we have already set the number of 350 units and 60,000 square feet so that might be \$22,000.00 to \$24,000.00 in taxes for the town. **Business Administrator Kevin Heydel** noted Barclay Glen pays \$547,000.00 in taxes of which the township gets \$140,000.00 after the school and county taxes are paid. Based on that this would

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be \$670,000.00 in taxes without the commercial. Cncl. Caligiuri questioned if the redevelopment plan could designate it 50% senior. Ms. Givens indicated it could but she didn't know what the COAH obligation would be as there is a cap on the number of senior housing units that will count towards the township's affordable housing obligation. Cncl. Caligiuri questioned in wording this could it say 50% of the property must fulfill the balance for our affordable housing obligation in whatever designation we want at the time we review the plan. Mr. Kernan noted that is in the plan but the number is 20% for sale and 15% for rent. Ms. Givens felt that a developer would not be able to construct a project with that type of requirement, as the economic feasibility of that would not work. The amount of money that they would have to put out to construct those affordable units would not be recouped so economically they would not be able to put that kind of investment into it unless it is funded through the HMFA and tax credits are involved. Then an affordable developer would come in to do a portion of the project. Mr. Kernan added a portion of the project could be an affordable senior project that we have been talking about for years. Cncl. Caligiuri questioned if the 350 number could be cut down to 300, as that could be justified. Cncl. Dilks commented he would stick to 250. Cncl. Pres., Miller noted we need this done by September and just because we adopt this redevelopment plan doesn't mean that plan is set in stone because we still have to enter into an agreement with a developer. Council felt this plan sets guidelines for the developer. Mr. Kernan explained it sets the perimeters of the maximum of residential and minimum of commercial. Cncl. Miller added the Redevelopment Committee talked about knocking down the housing number and bringing up the commercial number. Cncl. Heffner questioned who came up with this plan the Redevelopment Committee or the redeveloper and if this is the plan the Redevelopment Committee wants to present to Council. Cncl. Pres., Miller noted he wanted to give Council time to review this to get everyone's input because the whole idea is transparency to make sure everyone knows what was recommended to us. Cncl. Dilks questioned whether Council could get the financial information Cncl. DiLucia requested. Cncl. Caligiuri noted the only rush he sees is to get the residential off the RD side because right now houses could be built there. Cncl. McIlvaine noted the entire RD side of the Black Horse Pike is already houses. The other side is not and we are going to move the residential over there just so something can be done by September. He spoke of how his family has been here since the late 1700's, of how he has a lot invested here and is in no rush for Pinelands or anybody else to take away a prime commercial site. Barclay Glen is no benefit to him as a taxpayer because those people pull out of that parking lot and either go to Washington Township or Gloucester Township to shop and now that prime commercial lot is gone, never to be had again. We still have to pay for their trash removal and snow plowing and we will have to do the same thing here. Cncl. McIlvaine added because this guy claims he can't get a Target or Kohl's to come here we are going to get on our knees and give him whatever he wants. That is dead wrong and because RD Management didn't jump through hoops we are going to move the residential to the other side. No one from the Pinelands Commission lives in Monroe Township but he does and when he knocked on doors while running for Council no one said they wanted 2,000 apartments in the town, they want business here. Cncl. McIlvaine noted he is tired of this, it is disgusting that it is even being discussed because Stuart Wainberg does not care what happens to the taxpayers of Monroe Township and neither does Barclay Glen. He asked someone to tell him what the benefit would be to the taxpayers to build even one apartment. Cncl. Pres., Miller replied Gloucester Township took all the commercial before we built the residential. He

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noted he has been to meetings, spoken to mayors and other people who have done redevelopment and the problem we are facing is that there are no huge box stores being built because the retail base has shrunk from people purchasing things online. The economic downturn took place and all the big box stores backed out and that's why some Walmart's and Targets are closing and why we are trying to come up with a plan like every other town is doing. Cncl. McIlvaine noted there is no mixed use on Berlin Cross Keys Road in Gloucester Township. Cncl. Caligiuri commented that he sees Cncl. McIlvaine's point. He went on to explain the new commercial is the town center, which is a mixture of houses constructed in town squares. They have become attractive in Marlton and Medford and are the up and coming way to get stores. He felt retail is going to develop that way but limitations can be placed on it and we could ask for 200,000 square feet of commercial and no more than 300 houses. He added he would really like to get the residential from the RD side because he went to New York with the former mayor and the township engineer to meet with RD Management. We had an appointment but he had no time to talk to us and had no respect for any of us. Cncl. McIlvaine noted he understands what Cncl. Caligiuri was saying but ultimately there is one little commercial tumor on this side of the Black Horse Pike and now we are going to allow 250 residential units to go to the other side and ruin a beautiful commercial spot. Glassboro is not doing mixed use on Delsea Drive, which is their prime commercial area. Collingswood is doing it because every square inch is pretty much built so they don't have much choice. Gloucester Township is building business after business but they are smaller ones and there is no mixed use. He noted he expected commercial behind Sam's Club such as a car dealership but it's now residential. When he was a kid we had every car dealer, appliance dealerships and much more but now we have nothing and just like drug dealers talk about going to certain areas so do developers and those from Barclay Glen put the word out to go to Monroe because they are allowing mixed use. He added Stuart Wainberg does not care about Monroe Township and if it were beneficial to him to sell commercial he would but since he can make more from residential he wants that and we will be stuck with 250, 200, or 50 units not for five or ten years, those units will be there for 75 to 100 years. Carino Park was supposed to be a senior facility but it's no longer that and as a police officer he saw what apartments and rental properties do to our town and he will not stand for one, two or ten more. His vote is no to this for any number. He added he knows he gets heated in these discussions because his mind wants to explode when he sees this is even being discussed because he has waited his entire life for businesses and he keeps seeing them go right up the pike. Dodge, Chevy and Ford went right up the pike and it is not because people are afraid to spend their money here it is because of the decision makers and we need to make the proper decisions. Cncl. Miller noted Washington Township has 48,000 residents, Gloucester Township has 68,000 residents and we have 36,000 so the commercial is going to those towns. Cncl. McIlvaine noted the commercial left because of the MUA because there is no water and sewer in this town and he knows because he worked there. He added we cannot let this happen. Cncl. DiLucia noted he was on the Redevelopment Committee four or five years ago and met with Stuart Wainberg and heard his spiel. At that time he had read about a developer in Gloucester Township who was going to build a hotel and hold baseball tournaments so he told Stuart his property would be a great place to build an outlet. Stuart's position was no one will build outlets anymore because they are a thing of the past and he felt the township should look into getting some commercial people interested in the area. Cncl. DiLucia noted Stuart didn't want to do anything and would put a horse farm

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on the property if he thought it would yield him money, he doesn't care what happens to this town. He noted he is opposed to giving up this commercial site to put residential on it because we don't need any more apartments. He added it is a case of supply and demand. There is only so much ground and as the ground gets used up that property will be there and somebody will decide to put something on it whether it is a brewery, bar, nightclub or restaurant someone will build a flagship. The owner of Shoprite was thinking seriously about moving down there but he changed his mind and thought he might build something on the lot where they hold the carnival. He added he would be against the proposed redevelopment plan unless someone could show him mathematically how it will benefit the township. Cncl. Heffner noted his personal opinion is that he does not want to see one house go over there but his big issue is that when they say commercial it will be a pad site with a pizzeria, a dry cleaner or Chinese restaurant. The problem is they are not doing their homework or marketing to the right commercial people and at 60,000 square feet he is dreaming. We need a destination big box store, a Chuck E. Cheese or a Chick-fil-A or something that is not in every town and this plan is a whole lot light on commercial. Cncl. Pres., Miller questioned whether RD Management should be contacted again but Council felt he wouldn't do any more than he has already done to improve that site. Solicitor Fiore commented that procedurally if the 250 units is not shifted over the amendment to the Acme Redevelopment Plan would die because the Pinelands Commission will not certify it so RD Management would not be able to come in automatically and ask for those units because our local land use board would need to act on an application. Mr. Kernan noted the prior Redevelopment Plan would be in effect which allows for the residential. Mr. Fiore questioned whether we could reverse the action the township previously took in establishing the 250 units in the Acme Redevelopment Plan. Ms. Givens explained the plan can be repealed at any time but the Pinelands would probably need to certify that. Mr. Fiore questioned why would they object to the township repealing the ordinance. Ms. Givens replied because you are taking away their Pineland credits. Mr. Fiore felt the Pinelands would not force it down our throats if the Wainberg side dies then the Acme side would essentially die so his educated guess is that the Pinelands would not have to certify that. Ms. Givens didn't know the answer to that question. Mr. Kernan noted it would be done by ordinance and all land use ordinance must be sent to them and if we are removing resident and PDC use they might fight it. Mr. Fiore added what developers are contemplating from a planning standpoint, as there are standards. Collingswood is different because it is all built out and Gloucester, Medford and Voorhees have a higher economic level than Monroe Township so that is what needs to be looked at is what would be profitable for them. Cncl. Dilks noted developers know what they will make to the penny when developing ground. They know the cost of installing curbing, utilities, etc. so to get more residential units gives him more cash flow and makes him more money than commercial, which sits until the properties are rented. Solicitor Fiore added years ago we talked about getting our legislators to create an entrance and exit from the expressway to make that area more accessible because people do not want to use Sicklerville Road, which is a bottleneck in the morning and at night. Gloucester Township is attractive because people can jump right on the expressway to get to work. Ms. Givens commented that Stuart didn't want to do mixed use he wanted to do only residential. Cncl. Heffner noted this ordinance was just for discussion and no action will be taken on it this evening.

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E.) MATTERS FOR DISCUSSION

• Deptford Township Animal House Ordinance

Solicitor Fiore explained some time ago the Main Street Committee talked about creating an ordinance that would hold landlords responsible for the actions of their tenants so he was presenting the Deptford Township called the Animal House Ordinance for informational purposes only. This ordinance requires landlords to pay an additional fee or penalty to the municipality when a certificate of occupancy is renewed if three or more complaints were received about unruly tenants. Mr. Fiore noted this is just something for Council to review and he also sent it to Ernie Carbone for the Main Street Committee to review. He suggested inviting Mr. Carbone to a meeting to discuss the ordinance. **Cncl. Heffner** questioned if this would be hindered now that we do not inspect rental properties. Mr. Fiore replied no because it is based upon the number of complaints. **Cncl. Heffner** felt the township should still be inspecting rental properties and **Cncl. Pres., Miller** noted he didn't realize when that ordinance was amended that the annual inspections were actually removed. He noted he does not care if we collect inspection fees but he would like to see rental units inspected because some are in bad shape so can that language be revisited at the next meeting. **Cncl. Heffner** advised that will be addressed at the next Ordinance Committee Meeting. **Chief McKeown** advised there are what the Police Department calls "hot spots or problem areas" where they respond to repeated calls. In some instances these places are rentals and an ordinance like Deptford's would be a way to track and recoup some of the expense for police services. Mr. Fiore explained there is a notice provision in the ordinance whereby the landlord must be contacted and based upon the number of complaints it is his responsibility to make sure that the tenants are not acting in an unruly fashion. **Cncl. Heffner** added in most instances the landlord does not live anywhere near the rental unit and they don't care what is going on or that the police are responding to calls three, four or five times a month so it is time for them to step up to the plate. Mr. Fiore posed a question to Ms. Givens in regards to whether a standard could be created in a rehabilitation zone. Ms. Givens explained the Master Plan creates a vision of what you want for your town and how you want to see it develop. If you have a rehab area you would adopt a redevelopment plan that would set forth those standards so any new businessperson coming into the town would know what they have to do before they get a CO to operate their business. He may be the only guy doing it but then every guy after him will have to do it as well. If the first guy is not required to comply with plan standards it will never happen so you need to think about the long term planning. Some redevelopment plans have certain types of lights or sidewalks installed along certain streets or neighborhoods and each new guy coming into the municipality must comply with those standards. The township will never be able to make a fifty year old business change but if it wants to make a change it needs to comply with those standards as well. **Mrs. Flaherty** advised currently all the businesses go before the Planning Board but for the past twenty-nine years they didn't. **Cncl. Pres., Miller** added the Redevelopment Committee has been having conversations about adopting a redevelopment zone along Main Street from Clayton Road to Virginia Avenue and portions of Blue Bell Road based upon certain criteria so we would have the authority to say we want businesses with apartments on top. Many properties along Main Street are blighted and are going up for sale. **Cncl. Heffner** questioned if Council was good with the Animal House Ordinance and if the Solicitor would be drafting the ordinance. Mr. Fiore advised he would draft the ordinance.

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E.) MATTERS FOR DISCUSSION

- Chapter 175-138 "Storage of Recreational Vehicles and Boats"

Cncl. Heffner referred to the proposed changes to the ordinance and noted he agrees with vehicles being registered but he does not agree with only permitting one recreational vehicle in a yard when zoning variances are being issued for hideous solar panels in yards. He added right now he would be in violation because he has two tagged trailers in his yard. Mrs. Flaherty noted there is a typo in the draft ordinance. It should read "one travel trailer, one camper, one small boat" or one of each not just one vehicle and it must be on the driveway, not on the grass. All vehicles on the property must be registered and that requirement is to stop the blight throughout the township of five campers or five boats that are all unregistered and inoperable. If people want more than one of each vehicle they can come to the township and seek relieve. Solicitor Fiore questioned whether in a small development would a resident be able to have a travel trailer, a boat and a camper in the backyard. Mrs. Flaherty replied no it must be in the driveway, it cannot be on grass but a property owner could chose to expand their driveway to the rear of the property to store their vehicles. Cncl. Pres., Miller suggested the number of vehicles permitted depend upon the size of the property because having a number of vehicles in a small residential area would be overkill while it wouldn't be a problem on a property that has acreage. Mrs. Flaherty felt that would be discriminating against people because of their property size. Cncl. Pres., Miller noted it's done for solar panels but Mr. Fiore advised that is because State Statue allows that. Cncl. Heffner noted everyone with a camper and a little trailer they use to take yard debris to the township yard would be in violation. Mrs. Flaherty suggested three accessory type vehicles or they could each be identified in the ordinance but it needs to be limited and the vehicles need to be registered. She spoke of recreational vehicles in front yards that are hooked up to electric with people living in them and how people could be running repair businesses from their homes when they have two or more boats or travel trailers in their yards. Mrs. Flaherty noted vehicles can be stored in the driveway, not on the grass so people will be coming in to expand their driveways, which they can do through the Zoning Board. Mr. Fiore questioned if a variance would be required if it were expanded into the side yard as there would be impervious coverage issues. Mrs. Flaherty explained that depends on the lot size and as the Zoning Officer she would calculate how much impervious coverage they currently have and what they are proposing to see if it would exceed the maximum coverage. She explained these vehicles would not be permitted in the front of the house. Driveways can be extended with stone, asphalt or with whatever the resident wants but they cannot park them on the grass because fluids leak and that contaminates the ground, which is against the law. Cncl. Heffner noted there are many areas in town where the Pinelands will not allow asphalt or concrete so people store things on the grass. Mrs. Flaherty advised stone can be used. Cncl. Heffner questioned what about the people who already have a camper and it will not fit in the backyard so they keep it in their driveway in the front yard. Mrs. Flaherty explained you cannot have a six foot fence in the front yard because it blocks the visibility of neighbors and that devalues their property so you can't put a recreational vehicle in the front yard that is way higher than a fence. Most towns do not let anything like that in the front yard. Cncl. Heffner questioned what is the difference between a camper in the front yard and a kid fixing his car that is up on blocks? Mrs. Flaherty advised that is not permitted either because if the car is inoperable it is not permitted. At the conclusion of this discussion no action was taken on the proposed amendment to Chapter 175-138.

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E.) MATTERS FOR DISCUSSION (cont'd)

• Signs (Chapter 243 and Chapter 175-91.2)

Cncl. Pres., Miller noted we wanted to revisit the sign ordinance because there is an abundance of temporary signs people are putting up that make the township look terrible. Mrs. Flaherty added some organizations hold events and leave their signs up well after the event has taken place so even though organizations are exempt from permit fees we would like them to get a permit and we would give them a date when the signs need to come down. We would have the name of the person from the organization responsible for the signs so when complaints come in about signs still up we know who to contact to have them removed. Right now the Public Works and Parks Departments are taking down signs and it is not fair to township employees to have to clean up everyone's trash. This ordinance would also include political signs left up. She noted a couple weeks ago she picked up over 100 signs from Hoarder's Express, Republican and Democrat signs from the last election and football and cheerleading signs from last year. Cncl. Heffner questioned what happens if they don't get a permit and they put signs out. Mrs. Flaherty noted then there would be a fine, such as \$50.00 for the first offense. We will figure out what that would be. She added the pole signs are almost impossible to stop because it's difficult to locate those people so she just takes them down, which is difficult because they are molly bolting signs to the poles. Mrs. Flaherty indicated she would draft an ordinance for Council to review as this issue is important and pertains to signs from township events as well.

• Clear Process for Permits and Applications for Non-Profit Fee Exemption

No discussion took place on this matter, as the process to exempt permit fees had already been addressed.

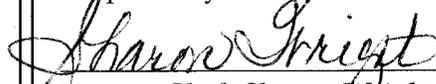
F.) NEW BUSINESS - None

G.) OLD BUSINESS - None

H.) ADJOURNMENT

With nothing further to discuss Cncl. Pres., Miller made a motion to adjourn the Ordinance Committee Meeting of July 6, 2016. The motion was seconded by Cncl. Dilks and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Deputy Clerk Sharon Wright, RMC


Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of July 6, 2016 and serve only as a synopsis of the proceedings. The official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted SW Date 8/3/16
Approved as corrected _____ Date _____