

MINUTES

CITY OF BEVERLY

October 23, 2007

CALL TO ORDER.

Verification of Notice- OPEN PUBLIC MEETINGS ACT. (N.J.S.A. 10:4-6) In compliance with the Open Public Meetings Act, this is to announce that adequate notice of this meeting was provided in the following manner. On January 5, 2007 advance written notice of this meeting was posted on the public bulletin board in the City Hall; was mailed to the **THE BURLINGTON COUNTY TIMES AND TO THE CAMDEN COURIER POST;** was filed with the City Clerk and was mailed to all persons who requested and paid for such notice. The proceedings of this meeting are being electronically recorded and the tape will be on file in the office of the City Clerk.

FLAG SALUTE.

ROLL CALL:

PRESENT: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Esaia, Mr. Arter, Dr. Cook, Council President Arter, Mayor Wetherill, Barbara Sheipe, Administrator/Clerk, Michael Morton, Director of Public Safety, Mr. Baxter, Solicitor.

ABSENT: None.

SWEARING OF NEW OFFICER: Mayor Wetherill swore in Justin Zuener as the new officer for the Beverly City Police Department.

PUBLIC HEARING ON REDEVELOPMENT PLAN. David Lustberg, Newwork the planner for Strategic Development presented the redevelopment plan. Mr. Lustberg reviewed the goals and visions of the city that are included in the redevelopment plan:

- Encourage residential development in locations and at densities which are compatible with existing development patterns
- Preserve and Enhance existing residential neighborhoods throughout the redevelopment area and rehabilitate substandard housing.
- Locate or relocate public, commercial, service and office uses at sites and in locations which are most suitable for their use.
- Protect, enhance and capitalize upon natural environmental resources associated with the development of a riverfront community.
- Encourage a development pattern which will protect and enhance the long term economic, social and welfare interests of present and future residents of the city.
- Revitalize the downtown and restore it to its historical 19th century character.
- Capitalize upon the river to enhance development and spur the revitalization of the downtown.
- Provide and maintain access to the waterfront for all of the public to enjoy.

- **Bring the small town character back to Beverly and improve the quality of life for all residents.**
- **Provide a diverse and sufficient housing stock throughout the city that abides by all zoning and building regulations.**
- **Ensure that all future development provides for sufficient air, light and open space for all residents.**

Mr. Lustberg explained that the plan is a guideline by which development can happen. Mr. Lustberg explained that the developer would still have to appear in front of the land use board for site plan and any zoning uses that are required. Mr. Lustberg discussed the various areas of the action plan and also the relocation of the residents of the housing authority into other units. The relocation would be governed by HUD's rules and regulations. The proposal is to place a minimum of 12 units together in scattered sites throughout the area from Warren Street to the river. The plan also calls for relocating the police station and the city hall to five points in the downtown area. Mr. Lustberg thanked Mark Remsa of the Burlington County Economic Development Office for his guidance with the plan. Mr. Lustberg described the redevelopment area. The redevelopment area is located in the southeast quadrant and northern central portion of the City of Beverly and extends from the railroad/Railroad Avenue in the south to the Delaware River in the north. The area in need of redevelopment is occupied by a variety of uses, including residential, commercial, mixed residential and commercial, industrial, public and quasi-public uses, vacant parcels, and road rights-of-way. The area along Warren Street and Cooper Street from the commercial district of the city which is occupied by retail and service establishments and commercial establishments with apartments overhead. Industrial buildings are located along Railroad Avenue and Pine Street from Broad Street to Chestnut Street. The balance of the area in need of redevelopment is residential with public and quasi-public uses interspersed among the residential neighborhoods. Public housing is located along Magnolia and Second Streets. City Hall and Hope Hose Company No.2 area located on Broad Street in the vicinity of Oak Street, and Farnum Park is located on Pine, Jennings and Parker Streets. The city's post office is located at Warren and Broad Streets. Beverly Fire company No. 1 is located on Bridge, Laurel and Oak Streets. Memorial Hall Library is located on Cooper Street in the vicinity of Oak Street. Churches are located on Warren Street between Van Kirk and Van Sciver Streets at Warren, Wilmerton and Jennings Streets and at Broad and front Streets. One vacant church is located along Locust Street between Second and Third Streets. St. Stephen's Cemetery is located at Oak and Bridge Streets. Memorial Park is located along Veterans Drive between Cooper, Front and Broad Street.

Mrs. Richards-Broad Street inquired about the 5 units discussed in the waterfront area and if the rentals of the units was carved in stone? Mr. Bernardi explained that the units would most likely be condo's and homeownership, but he has no control of the owner renting the unit.

Ms. Rodgers-Melbourne inquired about where the police station and municipal building would be located? Mr. Bernardi explained that the police station would be located in the building at the corner of 5 points and Bridge Street, the city hall would be located in the bank building. Ms. Rodgers discussed that Railroad Avenue is not wide enough for traffic with the plans for a transit village. Mr. Bernardi explained that with the plan for Beaunit Mills the road will be widen at the corner of Railroad and Broad to accommodate the parking. As more properties are acquired or improved the road way can be widen. Mr. Lustberg explained that the TOD plan that was presented on Saturday discussed the widening of Railroad Avenue and also making it two way with one side on the Edgewater Park side of the tracks. Ms. Rodgers discussed that the school's field and Gray's trucking are in the plan and is anything going to be done with them. Mr. Bernardi explained that Gray's trucking is grandfathered in with zoning and that there are no plans at the current time to relocate them. Mr. Bernardi discussed that he is not doing any eminent domain of properties.

Mr. Lustberg explained that for properties to be acquired by eminent domain it needed to be listed in the redevelopment plan as proposed property acquisition. Ms. Rodgers inquired about the small stream that runs by the dunes and if the sewerage plant relocation would disturb the stream. Mr. Bernardi explained that the stream cannot be touched and that some of the area is governed under the wetlands protection.

Mr. Rapagna-Magnolia inquired about the flood plain and if any of the growth of Beverly would be located in the floodplain? Mr. Remsa explained that the floodplain area along the waterfront is in the 100 year flood zone and that it has been for about the last 100 years. Mr. Rapagna discussed that it talks about the possibility of the sewerage plant flooding and that he has never saw flooding at the plant. Mr. Remsa explained that Mr. Weller, director of the sewerage authority had discussed that the plant needed to be move due to the location and the possibility of severe flooding. The plant had some minor flooding in the spring with the heavy rains. Mr. Rapagna requested an honest answer of where the plant was going to be moved? Mr. Remsa explained that the proposal was to move the plant to the dunes area and that the sewerage authority and his office had met with the State Tidelands about the relocation of the plant. Mr. Remsa explained that there are several steps that have to be taken before the relocation of the plant. The stream running through the property as well as any additional wetlands has to be studied before any action with them.

Mr. Germer discussed that on page 19 of the plan it states that Railroad Avenue shall be widened to accommodate 2-way traffic throughout its length. Mr. Germer discussed that there is no mention of acquiring properties in the plan to make Railroad a two-way. Mr. Lustberg explained that as the properties are available for sale, the developer can purchase them and widen the street. There is no plan to take any properties by eminent domain for the widening of the street. Mr. Remsa discussed that the owners of one of the properties along Railroad Avenue were at the TOD meeting on Saturday and that an explanation of the plan was discussed with them and that the plan could actually enhance their property. Mr. Remsa explained that the goal is to create opportunity for property owners.

Mr. Wooters-Van Sciver Street inquired about rentals. Mr. Lustberg explained that some of the units are listed as multiple-family units, but that the redevelopment plan does not encourage rentals. Mr. Wooters inquired as to how many multiple units are being discussed. Mr. Bernardi explained that the multiple units wording is in the plan to basically include townhomes. Mr. Wooters inquired about the housing authority residents moving to multiple family units? Mr. Bernardi explained that the housing that would be created for the residents in the housing authority would be governed by HUD's rules and standards for housing.

Mr. Borden-Riverbank inquired if HUD would have control of the location of the units? Mr. Bernardi explained that HUD would have to give their approval and hold the plan until they are comfortable with the location of the units. The units have to be equal to or greater that what is currently there. Mr. Lustberg explained that HUD would be concerned about the maintenance and upkeep of the units, so they would make sure that the units are located in such a way to help control the maintenance. Mr. Lustberg also explained that the units would be located North of Warren Street in the C-3 area of the city. Mr. Borden discussed that in the original waterfront plan the C-3 area was to be used for high property value and high rent homes. Mr. Borden discussed that the benefit of the HUD homes was only about \$17,000 to the city and that the city should not take 72 units out of the waterfront ratable for the HUD units that pay no taxes. Mr. Borden suggested that the city do some in depth searching of the economic impact of locating the HUD homes in the waterfront area.

Mr. Germer inquired as to how many HUD homes are proposed in an area? Mr. Bernardi explained that it would probably be about 15 units to an area. Mr. Lustberg explained that when the project is complete there will be about 350 units and the 72 units to replace the existing HUD units.

Mr. Haaf_Riverbank discussed that at a previous meeting he had inquired about where the public could go to see a project like the one that is being proposed. Mr. Haaf explained that he located a project in Bridgeton that has affordable homes, HUD units and market rate units in one location. He will be taking a trip to see the project and everyone is welcome to come with him.

Ms. Klitsch –Delacove Homes inquired about if the developer takes the 72 units to build new homes, where would the residents be placed in the mean time? Mr. Bernardi explained that he would build the new units first and the residents would be moved as the units were built. Mr. Bernardi discussed that he would not demo any units until the residents were relocated into their new units. Ms. Klitsch discussed that the residents of the Delacove Homes have jobs and want to improve their life style and that she does not want to see anyone pushed out just to make money. Mr. Crespo explained that no one can replace the current housing units, while residents are living there. Ms. Klitsch discussed that she is concerned that the other side of Warren Street does not want the HUD units mixed in with the waterfront area. Mr. Bernardi explained HUD will work with the plans and that the strategy is to mix the units with the market rate units. Ms. Klitsch discussed that everyone cares about Beverly, no matter where they live in the city and that she grew up in Beverly and that there is no problems in the Delacove Homes. Mr. Bernardi discussed that Mr. Centario keeps up the maintenance of the homes and that there are few crimes in the area. Mr. Crespo discussed that the current police report provide to council each month shows minimal activity at the Delacove Homes.

Mr. Germer discussed that in Cherry Hill the units are integrated within the market rate units and that some of the homes are HUD subsidized. Mr. Germer discussed that the units in Cherry Hill are very well kept. Mr. Germer discussed that some of the residents in the Delacove Homes may not lost their view of the river.

Ms. Klitsch –Delacove Homes discussed that with the redevelopment plan and the building of more homes will it not overburden the school. Ms. Klitsch discussed that her son did not learn anything at the school and the school needs improvement. Mr. Bancroft discussed that enrollment is down and that there is room in the school for more students. Ms. Klitsch discussed that the school is run down and needs to be modernized. Mr. Bancroft explained that the ideal plan would be to have the schools merge and build regional school. Ms. Klitsch discussed that at least the school could upgrade the gym. Council President Arter explained that the school board has new members that are working to improve the school. The council has set up a meeting with the school board and the city council to discuss the playground and the fields surrounding the school. Mayor Wetherill discussed that if there is a concern that a child is not learning in the school system, it should be brought to the attention of the school board. Mr. Germer discussed that some of the problem is that there is no PTA or PTO associations in the school and that the teachers need the parents support.

Mr. Thibault-Wheatley inquired as to the status of the waterfront plan in regards to the redevelopment. Council President Arter replied that the committee is still in negotiations with the water company and having meetings with Mr. Asselta, the redevelopment attorney.

Mr. Smith-Riverbank inquired if other areas were being looked at for the housing units. Mr. Bernardi explained that the city does not have any large open space for use.

Mr. Remsa-county economic development discussed that he was excited for the City of Beverly and that the city has been working with the county for a long time and that the visions has been since 1995. Mr. Remsa thanked the residents of Beverly for their input in all of the meetings leading up to the final plan and also to city council for having an open process. Mr. Remsa thanked Mr. Bernardi for his faith in the city and his patience in the many revisions of the plan. Mr. Remsa read an article in the Courier Post praising the open process that the city conducted with the redevelopment plan. Mr. Remsa explained that it still takes time for the plan to become law. The council can adopt the plan tonight on first reading and holding the second reading with another public hearing on November 27th. After the plan is adopted the city can enter into a redevelopment agreement with Rich Bernardi. Mr. Remsa discussed that the resident need to continue to attend the meetings and that their input is welcomed and valued.

Mr. Asselta-Redevelopment Attorney discussed that there would be no final vote on the ordinance tonight and that the council adopts the ordinance on first reading which allows the public hearing on the ordinance at the next meeting. The ordinance is than published in the newspaper. Mr. Asselta explained that there are still important steps to take and that the developer must still appear in front of the land use board for required approvals.

Mr. Crespo made a motion to introduce Ordinance No. 2007-16 on first reading, An Ordinance Adopting A Redevelopment Plan For Certain Property Within The City Of Beverly. Mr. Germer discussed that he intended to vote yes on first reading, but that he had just received the plan and would like more time to review with Law and Ordinance the entire plan before second reading. Mr. Crespo discussed that the economic development committee will review the plan at the meeting on November 20th. Mr. Bancroft discussed that this idea started with Mark Remsa in 1995 and that he is glad that it is nearing the end. Mr. Arter discussed that he hopes that Mr. Bancroft will be able to see the end results soon. Dr. Cook discussed that it was a lot of hard work with the county freeholders and that there have been many stages of the process to get to this point. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.

NAYES: None. Mayor Wetherill discussed that she is excited that the redevelopment plan is entering its final stages and that it was done through with bi-partisan cooperation. President Arter discussed that the plan was a lot of hard work and that it is the goal for the future.

MINUTES. Mr. Germer made a motion to approve the minutes of October 9th and October 15th, Mr. Esaia second the motion. At the call of the roll, the vote was:

AYES: Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.

NAYES: None.

ABSTAIN: Mr. Bancroft abstained from the minutes and Mr. Arter abstained from the October 15th minutes.

COORESPONDENCE.

- A. Letter from School Board of Education-meeting dates. Council discussed the meeting between the school board and the city council. The consensus of council is available on November 8 at 7pm. Mr. Baxter inquired if his attendance was needed as he had a previous commitment. Council President Arter discussed that it was more of a fact finding and problem solving work session, so there should be no need for the solicitor. Mr. Esaia discussed that he works nights and will be unable to attend. Mr. Thibault, school board president explained that the school board solicitor will not be attending. Mr. Arter made a motion to hold a joint work session with the school board on November 8 at 7pm in city hall, Mr. Crespo second the motion. All members voted in favor of the action.
- B. Letter of Support from Burlington County Board of Chosen Freeholders. Council President Arter read the letter from the freeholders supporting the relocation of the sewerage plant to the common area called the dunes. The letter is attached and made part of the minutes.

ORDINANCE ON FIRST READING.

- A. **Ordinance No. 2007-15, An Ordinance Regulating The Use Of Storage Containers, Trash Dumpsters and Roll-Off Containers Within The City.** The ordinance was read by title. Mr. Germer explained that the storage containers referred to as PODS are becoming more popular and that there is no regulation in the city. Mr. Germer explained that the ordinance would require a \$50. Fee and have a time limit involved. Mr. Germer discussed that the same ordinance was used in Mount Holly Township and upheld in the courts. Mr. Crespo discussed that he did not feel that it was necessary to charge a resident to place a container on his own property and that he could understand a small charge for a container placed on the street. Mr. Crespo inquired about the definition of bulk storage or storage device, are the Rubbermaid sheds that are being sold under this ordinance. Mr. Crespo also discuss if the word POD should be used in the ordinance, since it is a brand name. Mr. Thompson-code enforcement explained that the Rubbermaid containers are not listed as sheds or storage containers and would not pertain to this ordinance. Mr. Germer discussed that the use of the word PODS is just for identification purposes. Mr. Bancroft explained that sometimes it is the contractor that is leaving the PODS on the site, there is one located at the corner of Warren and Broad and the owner is having problems getting the contractor to remove it. Mr. Baxter explained that under the proposed ordinance, the city would be able to issue a ticket to the contractor. Mr. Arter inquired from Mr. Baxter, if he had any incidents with the Mount Holly ordinance appear in court over the portable sheds sold. Mr. Baxter replied that there were no incidents in court. Mr. Newsome discussed that the Mount Holly ordinance does not show a fee, so why does the city need one? Mr. Germer explained that there is a cost to the city to monitor the PODS and that it is a quality of life issue. Mr. Crespo discussed that he is concerned about the temporary shed section. Mr. Germer explained that the current city ordinance only allows for one shed per property. Mr. Baxter explained that Mount Holly does charge a \$25.00 fee for private property owners to locate the sheds. Mr. Newsome discussed that the proposed fee of \$50.00 should be lower for the location of the sheds on private property. Mr. Robertson discussed that it is a good point about keeping track of sheds, but he also feels that the fee should be lower. Mr. Arter discussed that he agrees also that the price should be \$25.00 for private property. Council President Arter inquired if the renewal fee of \$25.00 would remain the same with the lowering of the initial fee? Mr. Crespo inquired

about the time length with connection of construction permits? Mr. Germer explained that if a site plan is submitted for the permits the location of the containers should be shown. Mr. Thompson discussed that the sheds that are sold as small Rubbermaid containers do not qualify under the accessory structures and that the construction office deals with the size of the containers. Mr. Thompson discussed that the PODS are popping up in the city and that a permit system will allow the city to monitor the time and location of the containers. Mr. Crespo explained that he had no problem with charging the \$50. For the placement of the PODS on the street, he just felt that the fee should be lower to have a POD on your own property. Mr. Germer discussed that the ordinance could be changed to have the fee \$50. For the locations on the street and \$25.00 for the locations on private property. Mrs. Sheipe inquired about the containers that would be placed for the contractors using the RCA grant program, would they be charged as the money would come from the grant fund. Mr. Arter discussed that the RCA program would be charged the same as everyone else. Mrs. Sheipe inquired as to what account in the city the fee would be deposited in? Mr. Germer discussed that the money will go into the city clerk's account since the clerk will be responsible for the permit. Mr. Thompson recommends having a sticker made that could be placed on the container to show that they have obtain a permit from the city. Mr. Arter inquired if council consensus was to have a separate fee for private and public areas? Mr. Germer discussed that he will make the revisions to the fee for the \$25.00 in all areas where it is currently listed \$50.00. Mr. Arter made a motion to adopt Ordinance No. 2007-15 on first reading with the amend fees, Mr. Crespo second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.

NAYES: None. The ordinance was adopted on first reading and will be heard on second and final reading on November 27, 2007 after publication according to law.

ORDINANCE ON SECOND READING.

- A. **Ordinance No. 2007-14**, An Ordinance Of The City Of Beverly To Amend Chapter XI Traffic Section 11-2.3 Parking Time Limited. (Municipal Lot). The ordinance was read by title. Mr. Germer discussed that they are looking into placing an additional handicapped spot on Cooper Street to help with additional handicapped parking. Council President Arter opened the public hearing on the ordinance.

Mr. Entwistle- Broad Street, inquired as to what happens if the restaurant closes down, will the city change the time back to 10pm. Council President Arter explained that council could amend the ordinance as the need exists. Mr. Entwistle inquired as to how the public knows that the council is passing a new ordinance? Council President Arter explained that an ordinance is passed on first reading and published in the newspaper showing the time and date of the public hearing. Mr. Entwistle discussed that how does the public know that the hours in the lot have been changed and will there be a grace period before tickets are issued. Mr. Entwistle discussed that the residents that park there will have no idea that the time has been changed. Director Morton explained that the ordinance cannot be enforced until twenty days after it is published and that there are signs placed in the entrance of the lot and also in front of the parking spaces. Mr. Entwistle discussed that the audience can still not hear council and that they need to speak up.

No one else wishing to be heard, the public portion was closed.

Mr. Crespo made a motion to adopt Ordinance No. 2007-14 on second and final reading, Mr. Germer second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.

NAYES: None. The ordinance was adopted on second and final reading and will take effect 20 days after publication according to law.

OLD BUSINESS.

Mr. Crespo discussed that he would like to use the concession stand on Bentley Avenue for the storage of the public works new lawnmower and other equipment. Mr. Arter discussed that this will be discussed at the joint session with the school board on November 8th. Council President Arter also discussed that there will be a discussion on recreation and the care of the fields. The advertisement will inform the public that formal action may be taken.

NEW BUSINESS.

A. **Resolution No. 2007-94**, Resolution of the City of Beverly Authorizing Entry Into A Subordination Agreement With Respect To 520 Third Street, Beverly NJ 08010. The resolution was read by title. Mr. Germer made a motion to approve the resolution, Mr. Crespo second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.
NAYES: None.

B. **Resolution No. 2007-95**, Resolution Cancelling Taxes For Payment Previously Made (Beverly Commons). The resolution was read by title. Mr. Germer made a motion to approve the resolution, Mr. Newsome second the motion. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.
NAYES: None.
ABSTAIN: Mr. Crespo.

C. **Resolution No. 2007-96**, Resolution To Extend The Grace Period For The Payment Of Taxes. The resolution was read by title. Mr. Germer discussed that the residents were given until September to pay their August tax bills since the tax rate was not set and that he would like to see the November grace period be extended until November 30th. Mr. Bancroft explained that there was already a lengthy grace period in August and that residents knew the November billing was coming up. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.
NAYES: None.

D. Treasurer's Report

E. Payment of Bills. Mr. Bancroft made a motion to pay the bills, Mr. Crespo second the motion. Mr. Germer discussed that he would like the bill for Jersey Construction for Cramer Avenue subject to the engineer's approval of the bill. At the call of the roll, the vote was:

AYES: Mr. Bancroft, Mr. Crespo, Mr. Newsome, Mr. Germer, Mr. Robertson, Mr. Esaia, Mr. Arter, Dr. Cook and Council President Arter.
NAYES: None.

SOLICITOR REPORT. Mr. Baxter held his discussion until executive session.

MAYOR'S REMARKS. Mayor Wetherill reported that she had attended the JIF training dinner and also candidate's night. Mayor Wetherill thanked Janet Lowe for her involvement with candidate nights. The Mayor discussed that she knows that whatever candidate gets elected will work for what is best for the city.

COUNCIL COMMITTEE REPORTS.

1. Mr. Crespo discussed the leaf schedule for public works and that the schedule has been published in the Beverly Bee. There will be no brush pick up during leaf schedule.
2. Mr. Germer discussed that the sign ordinance needs more input and that law and ordinance will be reviewing the ordinance.
3. Mr. Crespo discussed that he had a matter concerning illegal dumping in the city and that it was a pending court case, if it should be held until executive session. Mr. Baxter discussed that due to the pending court case, it should be discussed in executive session.

WORKSESSION.

1. **Sign Ordinance-**Mr. Germer discussed that legally the city cannot charge a fee for a Political sign and cannot limit the number of political signs allowed on a property. Mr. Germer discussed that the city can regulate the size of the signs being placed. Also the time period of the signs can be regulated. Mr. Crespo discussed that the person placing the signs would also have to have the owner's permission. Mr. Bancroft explained that if you place signs on the telephone poles PSE & Gas will fine you. Mr. Germer inquired if the city can restrict the placement of signs on public buildings? Mr. Baxter explained that if the city owns the property they are allowed to place restrictions on their property. Mr. Baxter discussed that you cannot limit the number of signs on a lot unless it presents traffic or public safety issues. Mr. Bancroft discussed that the larger signs do not fit into the city and that the majority of the yards are too small for huge signs, he prefers to limit the size to the small real estate signs. Mr. Germer discussed that he has seen signs that are larger than the real estate signs that look presentable. Mr. Germer discussed that the committee will have the sign ordinance available for the council meeting of November 27, 2007.

PUBLIC SESSION AND PUBLIC SAFETY.

Mr. Entwistle-Broad Street thanked Mr. Bancroft for his time and efforts in working hard for the city and also for being a good person while doing it.

Ms. Rogers-Melbourne inquired if a permit will still be required to place the signs in your yard? Mr. Germer discussed that if a fee is not required there would be no need for a permit.

Ms. Lowe-Laurel Street discussed that at the last meeting she had discussed that doors were not secure at a house and that the home had been broken into. Ms. Lowe discussed that she felt that Mr. Thompson, housing inspector should have a short column in the Beverly Bee to answer resident's questions about code enforcement issues. Mr. Thompson explained that if a door is kicked in on an abandon house, there is a provision in the BOCCA code PM108.11 that will allow the police department to secure the door. The officers notify Mr. Thompson about an open door and monitor the property until the property can be secure. Mr. Thompson explained that he attempts to contact the owner of the property to have it secure. Many times the abandon homes the owners are gone. The liens holders are not required to secure the property until they take possession. If public works does the board up, a lien is placed on the property. Mr. Thompson explain that he notifies the police and the administrator when a home is abandon and unsecure. Ms. Lowe inquired if Mr. Thompson was sure that the police would monitor the door and the property if opened? Mr. Thompson explained that the police will monitor the property and have always given him updated reports on the property. The police and the housing department must follow due process of the law. Ms. Lowe discussed that it is a matter of public safety that the door is open on an abandon property. Mr. Thompson explained that the city boards up the homes as soon as possible, and that Mr. Arter boarded up the door the last time. Mr. Robertson inquired if the home was boarded up now? Ms. Lowe explained that the property is boarded up, but that she feels that her neighborhood does not get completed as fast as the others.

Mr. Crespo discussed that the public section was closed early on October 15th and that council had state that they would give them a chance to talk at tonight's meeting.

Council President Arter inquired if there was anyone from the public who wished to discuss the sign ordinance from the last meeting.

Mr. Wooters-Van Kirk inquired if there is a penalty for not removing the signs? Mr. Crespo explained that the person who has the permission to place the sign should be the party responsible for the removing of the sign. Mr. Baxter explained that if the sign is on private property and not removed according to the ordinance, the homeowner would be responsible. Mr. Wooters discussed that the ordinance places the burden on the property owner. Mr. Crespo discussed that the ordinance states that the person must have the permission of the property owner to place the signs. Mr. Baxter explained that the placement and removal of the sign would be a private issue between the owner and the person placing the sign.

Ms. Van Hoy-Warren Street inquired if the sign ordinance would be available in advance, Mr. Germer explained that after first reading the ordinance would be published and available to the public.

Mr. Delia-Cramer discussed that the truck sign at Manor Road on the other side of the tracks is too small to read.

Mrs. Dreher-Delacove Homes discussed that the sign in the parks say no drugs allowed and also that the city cannot employ anyone who does drugs. Mrs. Dreher discussed that smoking is a drug and should not be allowed, under the no drugs allowed. Mr. Crespo explained that the signs also say no smoking allowed in the parks and also the city has a policy of no smoking in city owned vehicles.

Mr. Thibault-Wheatley discussed that he appreciates all of council vote on the redevelopment plan and that it is a big night in the city.

Mrs. Richards-Broad inquired about the Halloween Party. Mrs., Sheipe explained that the party is on October 30 at 6:30pm and there will be a costume contest, Qwest DJ as volunteered his time, free pumpkins for all of the children, James Anderson the fire marshal will be handing out glow sticks and fire prevention information to the children. The fire company will be placing the fire trucks and the equipment on the street for the children to tour as well as the fire house. The emergency squad will be present also.

Mr. Borden-Riverbank thanked public works for the sign on the corner of Van Sciver.

Mr. Haaf-Riverbank inquired if minutes from the executive session were available and also what illegal dumping was being discussed in executive and why? Mr. Baxter explained that it is litigation that is ongoing and that discussing it in public could jeopardize the litigation. Mr. Baxter will review the executive session requirements and prepare something for council.

No one else from the public wishing to be heard, the public portion was closed.

EXECUTIVE SESSION. RESOLUTION NO. 2007-97, Resolution Setting The Time, Date And Place Of An Executive Session For Discussion of Litigation and Personnel. The resolution was read by title.

Mr. Arter made a motion to go into executive session for personnel, Mr. Esaia seconded the motion. All members voted in favor.

ADJOURNMENT.

Mr. Germer made a motion to adjourn. Mr. Newsome seconded the motion. All members presented vote in favor.