

**MINUTES
BOROUGH COUNCIL MEETING
JUNE 19, 2008**

The Media Borough Council met in Council Chambers on the above date with the following officials present: Mayor McMahon, President Daly, Vice-President Hall, Councilpersons Alyanakian, Simpson and Cunningham. Also present were Borough Manager Smith, Treasurer Deitch, Solicitor Scott and Engineer Walton. Councilmen Derrickson and Williamson were absent from the meeting.

President Daly called the meeting to order at 8:00 p.m. and led the salute to the flag. President Daly observed a moment of silence for the passing of Joan M. Hagan, Sr.

Approval of the Minutes

Councilman Cunningham made a motion to adopt the minutes from the May 15, 2008 Council meeting and the May 15, 2008 Public Hearing. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Public Comment & Privilege of the Floor

President Daly reminded viewers watching the meeting at home they can e-mail any questions/comments to Borough Council at questions@mediaborough.com and they will be addressed during the Public Comment & Privilege of the Floor segment of the meeting.

Rose Merino, 700 N. Jackson Street, inquired about the proposed Historic Preservation Overlay District Ordinance. Councilman Cunningham explained that this ordinance is being presented as a way to preserve structures within the Borough that are deemed to be historic. Councilman Cunningham noted that there are three (3) historic districts within the Borough that limit the type of enhancements to a historic property. Councilman Cunningham mentioned that the state has not been cooperative over the years with the Borough's request to include additional districts. Councilman Cunningham explained that this ordinance has nothing to do with uses of property, zoning or potential enhancements; but pertains to obtaining a demolition permit in the event a property owner would like to demolish all or a major portion of a structure, which is deemed historic. The objective of the ordinance is to offer incentives to property owners to not demolish their property by offering additional uses.

Louis Kodumal, attorney with Vincent B. Mancini & Associates, inquired if the Borough received a letter from his office regarding this ordinance. Mr. Kodumal is representing Media Real Estate on this matter. Councilman Cunningham replied that the letter in question was received. Mr. Kodumal expressed concerns with the ordinance as outlined in the letter and explained that the Delaware County Planning Commission reviewed the ordinance and reiterated the concerns. Councilman Cunningham noted that the Borough welcomes all feedback/opinions on this ordinance and that Council does not want this ordinance to become a burden on anyone.

Councilman Cunningham mentioned that Concord and Marple Townships recently passed a similar type of ordinance. Councilman Cunningham explained that the Borough is in the process of obtaining feedback on the ordinance at the moment. It is anticipated that a Public Hearing will be held in September prior to adoption. Solicitor Scott mentioned that after revisions to the ordinance are made, it will need to be re-submitted to the Delaware County Planning Commission and the Borough's Planning Commission for review. At that point, a formal letter will be sent to property owners. Councilman Cunningham mentioned that the list of approximately 211 properties effected by the proposed ordinance is being reviewed and will be adjusted according to feedback received. President Daly noted that a Special Meeting will be held for the sole purpose of discussing this ordinance. Councilman Cunningham encouraged anyone with comments/thoughts/ideas regarding this matter to submit them in writing to the Borough.

Jeffrey Warfield, Chairman of the Board of Trustees for First Baptist Church, mentioned he does not agree with the Historic Preservation Overlay District Ordinance. The ordinance incorporates buildings that are 50 years old or older and Mr. Warfield does not agree with this definition of "Historic Resources." Councilman Cunningham noted that this ordinance also includes a buildings architectural structure. Mr. Warfield mentioned that First Baptist Church has no plans to demolish the building as they have spent over \$100,000 in the last five (5) years in order to keep the building in tact, but he is requesting that this building not be included in the scope of the ordinance. Councilman Cunningham requested that Mr. Warfield submit his request in writing to the Borough.

Jan Gibian, 407 South Avenue, inquired about the sale of Borough owned properties. President Daly mentioned that the Borough authorized the advertisement of bids for the sale of 1 W. State Street, but that it is not on this evening's agenda. President Daly explained that once a bid package is put together, the Borough is not required to accept any proposals. President Daly noted that if the building is, in fact, sold that it is anticipated the money will be put towards the Capital Fund in lieu of the General Fund. President Daly mentioned that the Borough currently has a short-term tenant at this location that is responsible for all maintenance inside the building, but this does not include any long-term issues with the building. The Borough does not have funds available to address any long-term issue. Mrs. Gibian inquired if 1 W. State Street could be included on the Historic Preservation Overlay District Ordinance list. Councilman Cunningham responded that it is included, but that the list is not finalized and will be reviewed based on feedback received. Mrs. Gibian inquired if the property ends up on the list if it could be torn down. Councilman Cunningham responded that Council would have serious concerns with regard to a request to tear down this particular building. Mrs. Gibian inquired if Council knows what the building is worth. President Daly responded that an appraisal of the property was completed. President Daly discussed the rental income on the property as well as the overall cash position of the Borough. In closing, President Daly reiterated that the Borough is not committed to the sale of this property even when it is advertised and proposals are received.

Bob Beverly, Pastor at First Baptist Church, mentioned his concerns with the proposed Historic Preservation Overlay District Ordinance. Mr. Beverly explained that lightning struck their building a while back. They have since had the damage repaired, but Mr. Beverly expressed his concerned that the proposed ordinance may have hindered them with regard to having this work completed. President Daly explained that the proposed ordinance is directed towards developers coming in to request a demolition permit.

Drew Arata, 23 W. State Street, requested that Borough Council waive the Mass Gathering Permit Application fee for Media Arts Council's Bastille Day celebration. Vice-President Hall inquired if additional police patrol will be necessary for the event. Mr. Arata mentioned that there will be no additional police necessary and that it will be not much different from last year's event. Mr. Arata noted that the Media Arts Council will handle the clean up after the event. With that said, Vice-President Hall made a motion to waive the Mass Gathering Permit Application fee in the amount of \$750 for the Media Arts Council's Bastille Day celebration. Councilwoman Simpson seconded the motion. Councilman Cunningham requested an amendment to the motion that if any additional police is required, the time will be billed. Vice-President Hall accepted the motion contingent upon the amount being capped at \$750. The motion carried unanimously.

Engineer's Report

Councilman Cunningham inquired about the status of parking spaces in the vicinity of Monroe & Church Streets, Monroe & Baker Streets and Monroe & State Streets. Engineer Walton mentioned that a report has been completed and expect it will be reviewed by the Public Safety Committee in the future.

Councilman Cunningham inquired about the sinking section of Haldeman Street. Engineer Walton mentioned that this appears to be a sub-grade problem and has included requirements in correcting the situation when the road is resurfaced.

Councilman Cunningham mentioned a drainage problem in the vicinity of Manchester and the alleyway. Engineer Walton noted that he is in receipt of the complaints and that the area in question has been inspected. It has been determined that there is an apparent problem and Engineer Walton will make a recommendation in the future.

Councilman Cunningham inquired why pedestrian safety signs cannot be placed along Baltimore Avenue. Engineer Walton noted that this request needs to be made through the Pennsylvania Department of Transportation (PennDOT) and a permit may need to be modified. Councilman Cunningham inquired if this would also involve the installation of more visible crosswalks. Engineer Walton noted that the proposed crosswalks within the CMAQ project are in conformance with the state's requirements. Councilman Cunningham inquired if the Borough could enhance the crosswalks without approval from PennDOT. Engineer Walton responded that this is required through a permit change request with PennDOT and that they will review once it has been submitted. Engineer Walton mentioned he will look into enhancing the crosswalks on Baltimore Avenue. Councilman Alyanakian mentioned that CMAQ project has been ongoing for the last 10 years. Engineer Walton noted that these type of projects tend to take 9-13 years.

Solicitor's Report

Solicitor Scott mentioned it was his belief that it was the intention of previous Council that if a sale were to go through on 1 W. State Street that it was to be subject to a façade easement that would prohibit tearing down the building and changing the look of it. Solicitor Scott inquired if Council is still inclined to move in this direction if the property is sold. It was determined that it is Council's desire to make the sale contingent upon the façade easement as referenced.

Mayor's Report – Mayor McMahon

Mayor McMahon reported the Police Department received and investigated 860 complaints during the month of May. There was one (1) reported burglary on May 7, 2008 at the Getty Station.

Mayor McMahon reported that the new part-time officers are riding with senior officers for training.

With regard to police overtime, Mayor McMahon mentioned that the department is doing their best to provide coverage with part-time police officers whenever possible.

Councilman Cunningham inquired if District Court is scheduling officers to appear on days they are scheduled to work. Mayor McMahon responded that Judge Stephanie Klein is doing her best with scheduling officers to appear in court. President Daly mentioned that it is his belief that the court system is too big and that they may not take Media Police Officers' schedules into consideration.

Councilman Cunningham commented that Sergeant Keith Prorock's report regarding the "Dining Under the Stars" event was well done. Mayor McMahon agreed that it was an excellent report.

Council Committee Reports

Shade Tree Commission, Historic Preservation & Lighting – Mr. Cunningham

Councilman Cunningham mentioned that the proposed Historic Preservation Overlay District Ordinance was discussed earlier and explained that this will not be a short process. Councilman Cunningham encourages residents to submit their comments to the Borough regarding this proposed ordinance.

With regard to the Shade Tree Commission, Councilman Cunningham mentioned that they inspected a tree at Jackson and Jefferson Streets. This tree is on a private property, but is rotted and poses a potential danger to adjoining private property owners. Councilman Cunningham mentioned that the Shade Tree commission inspected a sugar maple tree at 5th and Monroe Streets. Councilman Cunningham requested the Code Enforcement Department send letters to both property owners.

Councilman Cunningham mentioned that Code Enforcement Inspectors will be distributing citations to property owners for poor sidewalk conditions. Councilman Cunningham noted that these poor sidewalk conditions are due to the roots of the Borough's shade trees and believes that the Borough should provide financial assistance with regard to their replacement. Councilman Alyanakian mentioned a grant received previously by Senator Dominic Pileggi in the amount of \$5,000 for this purpose. Borough Manager Smith mentioned that these funds have been depleted and that letters to Senator Pileggi and Representative Tom Killion have been sent to in order to determine if additional funds are available.

Councilman Cunningham mentioned since lighting was recently added under his report, he is recommending that the streetlight at 5th & N. Jackson Streets be upgraded to 8,000 lumens for better visibility.

Community Development – Mr. Williamson

In Councilman Williamson's absence, Councilman Cunningham made a motion to approve the Land Development Application for the Media Youth Center, which will include the addition of a second floor, additional parking and landscaping. Vice-President Hall seconded the motion. The motion carried 4-0, with Councilman Alyanakian abstaining. Councilman Alyanakian mentioned that he abstained from voting due to the fact that he is on the Board of the Media Youth Center. Councilman Alyanakian mentioned that letters were circulated to neighbors and they were invited to a neighborhood meeting to discuss this application. The Media Youth Center intends to offer additional services.

Councilman Cunningham announced that during the June 5, 2008 Special Meeting, Council approved the execution of a Right-of-Way license agreement with the property owner at 113 W. State Street in order for the applicant to install a retractable awning.

Councilman Cunningham mentioned proposed amendments to the Zoning Code with regard to a buffer requirement. Councilman Cunningham mentioned that a Public Hearing will be held on Thursday, July 17, 2008 at 7:30 p.m. in order to discuss the proposed amendments.

Councilman Cunningham provided an update to the Hampton Inn & Suites application. Councilman Cunningham mentioned that the Court of Common Pleas required the neighbors to place a bond with regard to their appeal of the Zoning Hearing Board's decision on this application. The bond amount was in excess of \$2,000,000, which was not secured. The appeal was dismissed by Delaware County Court. Councilman Cunningham expressed his disappointment with the court's decision. President Daly noted the exact bond amount was \$2,800,000, which was the highest he has ever seen.

Recreation, Technology & Media Business Authority – Mrs. Simpson

Councilwoman Simpson announced the following for the Recreation Board:

- A Public Hearing was held on June 9, 2008 with regard to a PECO grant the Borough received to enhance Houtman and Philip Green Parks. The meeting was well attended and it was determined that residents would generally like to have the parks better maintained.

- Summer Camp begins on Monday, June 23, 2008. Please call the Recreation office at 610-566-5210, ext. 255, as some spots are still available.
- The first Family Movie Night scheduled for June 14, 2008 was cancelled due to rain. There are two (2) more Family Movie Night events scheduled this summer.
- The 5 Mile Race will be held on Friday, June 20, 2008. Councilwoman Simpson encouraged everyone to come out and support this event. Runners will be capped at 1,200.

Councilwoman Simpson reported the following for the Media Business Authority:

- The State Street Blues Stroll held on Saturday, June 14, was a success. Councilwoman Simpson thanked all volunteers for the event.
- Councilwoman Simpson noted some initial problems with the Dining Under the Stars event. A meeting was held to discuss the issues. One issue in particular was with a restaurant staying open beyond the ending time, but this has been addressed.
- July 12, 2008 – Bastille Day Celebration along State Street.

Councilman Cunningham noted that comments he saw regarding the Houtman and Philip Green Parks were well received. Councilwoman Simpson reported that it was determined that residents would mainly like to see these parks rehabilitated and maintained. Councilwoman Simpson mentioned that this is only phase 1 with regard to the parks. The Borough should have a plan in place before applying for additional grant funding for the parks.

Code Enforcement, Health, Environment Advisory Council, Media Arts Council, Streetscape & Litter Task Force – Mr. Hall

Vice-President Hall announced that a Mass Gathering Permit Application to hold a Jingle Bell Run on Saturday, November 29, 2008 was denied at the June 5, 2008 Special Meeting. It was determined the Media Business Authority and Recreation Board were not in favor of approving this event mainly due to the amount of road closures during the busy holiday shopping season.

Vice-President Hall announced that a Right-of-Way Permit request for 1 W. Front Street was denied with regard to the replacement of bilco doors. It was denied due to the potential pedestrian safety hazard it would pose.

Vice-President Hall made a motion to authorize the Solicitor to draft and advertise a Litter Ordinance, which will be useful to the Environmental Advisory Council in applying for grant funding. Councilwoman Simpson seconded the motion. The motion carried unanimously. Councilman Cunningham inquired who will enforce this proposed ordinance. Vice-President Hall responded that the Solicitor will make a recommendation on the enforcement agent.

Vice-President Hall announced that the Media Arts Council is sponsoring Bastille Day on Saturday, July 12, 2008 from 6:00-11:00 p.m. A re-creation of the “Storming of the Bastille” will be in the vicinity of State and Olive Streets.

Vice-President Hall mentioned that the Media Arts Council sponsored a fifth grade recognition ceremony at Media Elementary School last Friday with regard to the new mosaic in the vicinity of the north entrance to the school. Vice-President Hall encouraged everyone to check out the mosaic.

Vice-President Hall reported that the installation of solar panels at the Delaware County Court House and Media Municipal Center are ninety percent complete.

With regard to the Environmental Advisory Council, Vice-President Hall mentioned that the Borough obtained a grant to receive 40 rain barrels. The rain barrels will be installed during the spring/summer 2009. The Environmental Advisory Council will work with the three (3) Media Borough schools in order to enlist children to decorate the barrels.

Vice-President Hall mentioned the Environmental Advisory Council's mission to enhance business recycling, which has been difficult to coordinate. Vice-President Hall invited individuals with interest in this matter to attend the Environmental Advisory Council meetings on the second Thursday of each month at 7:00 p.m.

Councilman Cunningham noted a complaint regarding a trash dumpster in the vicinity of 418 E. State Street. It was determined that the Code Enforcement Department will look into the matter.

President Daly mentioned a dumpster in the Right-of-Way in the vicinity of 216 N. Monroe Street. It was determined that the Code Enforcement Department will look into this matter.

Councilman Alyanakian mentioned that the Environmental Advisory Council has funds remaining for two (2) additional solar panel installations—one perhaps at the highway garage. Councilman Alyanakian noted that with the latest installations that brings the Borough's total to seven (7) solar panel installations. Vice-President Hall noted that the Environmental Advisory Council discussed approaching Media Elementary School regarding the possibility of accepting an additional solar panel. Vice-President Hall mentioned that there may be additional grant funds available, but the money needs to be spent contingent upon it being classified as educational. Vice-President Hall mentioned some physical problems with an installation on the Media Youth Center building and the fact that the educational component makes an installation at the highway garage less attractive. Councilman Alyanakian mentioned that he does not believe Media Elementary School will be able to accept an additional panel as the design on the original installation was difficult and they may not be willing to move forward with another one. Councilman Alyanakian mentioned discussions with Aqua Pennsylvania regarding a solar panel installation at the water tower in the vicinity of the Ethel Mason playground. Vice-President Hall noted that the water tower location may not be a good location as per Vincent O'Grady of SunTechnics. Councilman Alyanakian mentioned that he disagrees and believes that this site is appropriate.

Properties, Personnel, Finance & Insurance – Mr. Daly

Treasurer Deitch read the finance report. The Finance Committee reported checks drawn on the Central Disbursement account for the following funds:

General Fund	\$ 259,781.32
Recreation Fund	\$ 6,806.04
Liquid Fuels Fund	\$ 7,323.39
Capital Fund	<u>\$ 8,561.28</u>
Total	\$ 282,472.03

President Daly motioned that bills be paid when properly approved for all funds. Councilman Cunningham seconded the motion. The motion carried unanimously.

President Daly announced that a proposal in the amount of \$1,200 from Schnabel Engineering for the 2008 annual inspection of the Third Street Dam was approved during the June 5, 2008 Special Meeting. President Daly mentioned that a meeting regarding the Third Street Bridge project will be scheduled after July 14, 2008. Councilman Cunningham clarified that acceptance of this proposal does not mean the Borough is assuming ownership of the dam. President Daly noted that the Borough is moving forward with the proposal as a public safety matter.

President Daly mentioned that the Finance Committee met this evening and received a presentation from the Borough's auditing firm who noted that the Borough's books are in order.

President Daly mentioned that the Strategic Finance Committee held their last meeting recently. Treasurer Deitch noted that the committee discussed more accountability on how funds are spent in the Borough and a process for deciding the most important upcoming projects. It is anticipated that Council will receive a full report next month.

Highway, Recycling, Emergency Management & Police Committee – Mr. Derrickson

In Councilman Derrickson's absence, President Daly announced that Council authorized the re-bid of ordinary street maintenance contracts during the June 5, 2008 Special Meeting.

President Daly announced the approval of a Mass Gathering Permit Application for the Town Talk Newspapers' Fall Super Sunday Event on August 24, 2008. This application was approved during the June 5, 2008 Special Meeting.

President Daly announced the approval of a Mass Gathering Permit Application for the Media Fair Trade Committee/Media Business Authority Fair Trade Live Concert on September 14, 2008. This application was approved during the June 5, 2008 Special Meeting.

Councilman Alyanakian mentioned a request from Concord Auto Body, Inc. to be added to the towing rotation and deferred to the Solicitor to provide more detail. Solicitor Scott noted that the Borough is required to meet with the current towing contractors before adding an additional towing contractor. Councilman Alyanakian suggested that the Borough re-visit the towing agreement to address items that may not be to the Borough's advantage. Solicitor Scott noted that the Borough can terminate the agreement with 30 days notice. If the Borough decides to amend the towing agreements, Solicitor Scott recommends that the Borough require the contractors to accept credit cards.

Tim Phillips, owner of Concord Auto Body, Inc., inquired about the purpose for meeting with the current towing contractors. Solicitor Scott responded that the Borough is obligated through the towing agreement to meet to discuss an additional tower. Solicitor Scott noted that Council cannot vote on this matter until after the meeting takes place. Councilman Alyanakian asked some general questions of Mr. Phillips. It was determined that Concord Auto Body, Inc. has nine (9) employees, is located at Painter and Brooke Streets, has been in business going on five (5) years and accepts credit cards. Councilman Cunningham inquired as to when the current contract expires. It was determined that the agreement just renewed in June 2008. This is a one (1) year contract. Borough Manager Smith mentioned that a meeting took place last year with the towing contractors in order to amend the fees. Councilman Alyanakian requested that a meeting with the towing contractors to discuss the request from Concord Auto Body, Inc. be held prior to the next Council meeting.

Fire, Parking, Library & Homeowners Association (HOA) – Mr. Alyanakian

Councilman Alyanakian reported that the Friends of the Library are in the process of planning a fall event in order to assist with enhancements at the Media-Upper Providence Library.

Councilman Alyanakian expressed his concerns with the amount of signage (traffic, etc.) throughout the Borough and suggested that a committee be created to review this matter. Vice-President Hall inquired who reviews signage within the Borough. Borough Manager Smith mentioned that this falls within various departments (Code Enforcement, Police, Highway, etc.) depending on the sign. President Daly suggested that Councilman Alyanakian review this matter with the Parking Committee.

Councilman Alyanakian reminded everyone to drive carefully now that school is out.

With regard to a parking meter request along Parking Meter Zone 1, Councilman Alyanakian mentioned that he will review the request and make a recommendation to Council in the future. The request, if implemented, would extend three (3) hour parking along State Street from Monroe to Gayley Streets.

Councilman Alyanakian announced that the Media-Upper Providence Library installed a book drop box in front of their building.

Public Comment & Privilege of the Floor

Letitia Jeavons, 216 N. Monroe Street, commented that the location of the dumpster which was referenced earlier in the meeting is in the vicinity of Fussell Street.

Carol Willis, 313 W. Baltimore Avenue, inquired if there is a limit on towing fees as she believes she received an inflated invoice. Borough Manager Smith noted that the Borough is in receipt of her request. The Borough sent a letter to the towing contractor and recently received a copy of the invoice. The Public Safety Committee will review this matter during their next meeting.

There were some discussion surrounding minutes for Public Safety Committee meetings. Councilman Cunningham expressed his dissatisfaction with responses he received on matters that were reviewed by the committee. Mayor McMahon inquired if minutes are taken. Borough Manager Smith responded that minutes are not taken during these meetings. Councilman Cunningham is requesting additional information regarding public safety matters.

Councilman Cunningham congratulated the service award winners during the recent Employee Appreciation Day event.

Councilwoman Simpson mentioned the 5 Mile Race website as: www.5milerace.com and requested that anyone with feedback regarding the event should submit comments through the website.

Adjournment

Councilman Cunningham motioned to adjourn the meeting at 10:20 p.m. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Respectfully submitted,

Jeffrey A. Smith
Borough Manager/Secretary