

MINUTES
BOROUGH COUNCIL MEETING
December 16, 2004

Media Borough Council met in Council Chambers on the above date with the following officials present: Mayor McMahon, President Hagan, Vice-President Robinson, Councilpersons Alyanakian, Krull, Sherwin, Tyson and Whitaker. Also present were Solicitor Middlebrooks, Engineer Mulvena, Borough Manager Smith, Treasurer Gioggia and Administrative Assistant Godek.

President Hagan called the meeting to order at 8:00 p.m. and led the salute to the flag.

Approval of the Minutes

Vice-President Robinson made a motion to approve the Council meeting minutes of November 18, 2004, Special Meeting Minutes of November 29, 2004, and CDBG Public Hearing Minutes of December 14, 2004. Councilperson Whitaker seconded the motion. Motion carried unanimously.

Privilege of the Floor

Councilperson Tyson presented donation checks to the Historic Archives Commission and Historic Preservation Board, which were accepted by Dick Winters. Councilperson Tyson stated that both groups were influential in maintaining the historic character of Media. Mr. Winters thanked Council for the donation and stated that the Historic Archives Commission, which meets every Thursday, could benefit from one or two more volunteers.

Councilperson Whitaker thanked the Media Fire Company for their assistance maintaining public safety and presented a donation check, that was accepted by Ed Gibson, Fire Chief. Chief Gibson stated that the Fire Company is searching for volunteers and meets on Tuesday and Thursday nights.

Vice-President Robinson presented a donation check to the Delaware County SPCA, which was accepted on behalf of the group by Marion Reilly. Ms. Reilly thanked the Borough for its support of animals in need of assistance and invited the public to visit the SPCA to see the operations of the organization.

Councilperson Sherwin presented a donation check to The Center for Conflict Resolution, which was accepted by Hans Dietz. Councilperson Sherwin explained that the Center helps individuals and organizations resolve disputes separate from the legal system and encourages involved parties to create their own unique solutions.

President Hagan presented a donation check to Mercy Home Health Care, which did not have a representative present. President Hagan announced that their check would be mailed.

Councilperson Tyson introduced John Kennedy of the Media - Upper Providence Library to provide an update of library activities. Mr. Kennedy thanked Council for their continued support at a time when the library has lost funding from the State. Mr. Kennedy announced that the

library has recently added a full-time children's librarian and will begin hosting children's programs as of January 18, 2005.

Frank Seyfert, made a plea that Borough Council not assess an Emergency and Municipal Services Tax on employees within the Borough of Media. Mr. Seyfert stated that he was against Emergency and Municipal Services Tax (EMST), concerned with the wording of the ordinance, and disapproves of federal taxation.

Tedman O'Hara asked if the EMST raised the Occupational Privilege Tax from \$10 to \$52. Solicitor Middlebrooks responded that the EMST is new legislation that eliminates the Occupational Privilege Tax (OPT). Under the EMST legislation municipalities can collect up to \$52 and school districts that had an OPT can continue to collect up to \$10 of those collected funds.

Engineer's Report

Engineer Mulvena reported that she delivered Streetscape plans to the Delaware County Regional Planning Commission (DVRPC) and CMAQ plans to PennDOT today.

Mayor's Report – Mr. McMahon

Mayor McMahon reported that there were 876 complaints in the month of October and no reported burglaries.

Mayor McMahon announced that 11,000 individuals were expected to visit the Media Theatre during the month of December and stated that most of these people are attending the matinees bringing revenue to the downtown businesses.

Council Committee Reports

Recreation, Code Enforcement & Properties – Mr. Tyson

Councilperson Tyson motioned to adopt Ordinance No. 998 pertaining to sidewalk snow/ice removal. Councilperson Tyson stated that this would amend the current ordinance bestowing greater strength to the Code Enforcement Department to enforce removal regulations. Councilperson Tyson stated that residents are to clear their walks within 24 hours of the end of a storm as defined by major weather services. The motion was seconded by Councilperson Whitaker. The motion carried unanimously.

Public Safety – Ms. Whitaker

Councilperson Whitaker announced the resignation of Edward Beebe from the Media Police Department and thanked him for his years of service as a part-time police officer.

Councilperson Whitaker announced that Officer Linda Miller is actively administering crime stopping programs for schools, businesses and community groups and is available upon request.

Councilperson Whitaker stated that Fire Department is constantly looking for volunteers.

Community Development – Mr. Robinson

Vice-President Robinson motioned to adopt Resolution #2004-15 relating to the Municipal Planning Code Timeline. Vice-President Robinson explained that the resolution requested the assistance of the Pennsylvania State Association of Boroughs to expand the response time from 15 days to 45 days to notify applicant's of the Borough's decision relating to subdivision and land development requests. The motion was seconded by Councilperson Whitaker and carried unanimously.

Vice-President Robinson motioned to deny the change of use/minor land development application for 215 Radnor Street. Vice-President Robinson stated the Planning Commission recommended that Borough Council deny the application since the applicant failed to produce the information requested by the Planning Commission. Councilperson Whitaker seconded the motion. The motion carried unanimously.

Vice-President Robinson motioned to authorize President Hagan to execute an agreement with 400 N. Orange Street to pour concrete footings on the property. Vice-President Robinson explained that the current conditions take three to six months for the State Department of Environmental Protection (DEP) to approve the sewer module and the applicant wishes to proceed with the foundation before the ground freezes. Councilperson Whitaker seconded the motion. The motion carried unanimously.

Vice-President Robinson motioned to authorize the Solicitor to draft and advertise an ordinance abandoning the Paper Street at 7 S. Providence Road. Vice-President Robinson stated that it is the recommendation of the Planning Commission to abandon this section of land enabling the redrawing of property lines. Solicitor Middlebrooks stated that the Borough should determine if there are any utilities located on the property. Vice-President Robinson agreed and stated the Borough would make a PA One Call. Councilperson Whitaker seconded the motion. The motion carried unanimously.

Vice-President Robinson announced a good turn out at the last Comprehensive Plan Task Force meeting on December 1, 2004 and the Committee expects to have a draft completed by Spring 2005.

Vice-President Robinson thanked the Highway Department for their efforts with this year's leaf collection and thanked the Police Department for their work patrolling the streets Thanksgiving Eve, making the night enjoyable for all who visited the downtown.

Vice-President Robinson reported that the State Store on State Street would be closing. Vice-President Robinson stated that since the State Store is a destination stop and important business downtown, the Chair of the Liquor Control Board will return to Media to consider other sites for relocation of the store. Councilperson Robinson thanked Susan Serbin for making him aware of the closing of the store.

Personnel & Highway – Ms. Hagan

President Hagan mentioned she would accept a motion to adopt Resolution #2004-16 relating to the submission of a Community Development Block Grant Application. President Hagan explained that a public hearing had been held on Tuesday, December 14, 2004 to discuss the details of the application, which include road resurfacing and stormwater enhancements, and stated that the resolution was a formal step in the process to secure funds. Vice-President Robinson made the motion. Councilperson Whitaker seconded the motion. The motion carried unanimously.

President Hagan mentioned she would accept a motion to authorize the Solicitor to draft and advertise an ordinance for residential parking on W. Franklin Street in between Plum and Olive Street. Vice-President Robinson made the motion. Councilperson Whitaker seconded the motion. The motion carried unanimously.

President Hagan mentioned she would accept a motion to appoint Mary Jane Boyland as a part-time administrative assistant. Vice-President Robinson made the motion. Councilperson Whitaker seconded the motion. The motion carried unanimously.

Finance, Insurance & MBA – Mr. Sherwin

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

General Fund	1,074,280.28
Liquid Fuels Fund	<u>2,868.07</u>
Total	1,077,148.35

Councilperson Sherwin motioned that bills be paid when properly approved for all funds. Councilperson Krull seconded the motion. Motion carried unanimously.

Councilperson Sherwin motioned to adopt Ordinance #997, Assessing an Emergency and Municipal Services Tax (EMST) of \$42 on individuals employed within the Borough of Media. Councilperson Sherwin stated that this would bring in between \$280,000-\$300,000 of revenue to be earmarked for public safety and road maintenance and resurfacing. Councilperson Alyanakian stated there are other ways to collect the funds needed to balance the budget without having to adopt the EMST, such as lowering consultant fees, etc. Councilperson Tyson stated that raising taxes is not always avoidable but in this instance is not necessary. Councilperson Tyson stated that the costs in large projects such as Streetscape should be considered to determine the weight of public funds spent on such items and indicated this as an area to reduce spending. Councilperson Whitaker agreed that Council's priority is to do what is in the best interest of the residents and stated that a majority of the taxes collected from the EMST will be from individuals who do not reside in the Borough. Councilperson Whitaker also highlighted that individuals who generate less than \$12,000 a year will be exempt from this tax, so it will have the lightest impact on fixed income residents. President Hagan stated in response to Councilperson Alyankian that the Borough has taken actions prescribed by law to resolve issues surrounding outstanding debts. Councilperson Krull stated the revitalization of the business district has benefited residents, reducing the number of vacancies and generating revenue for the downtown, adding that the consultants had an involvement in the success of this process. Councilperson Krull seconded the motion. The motion carried 5-2 with Councilpersons Alyanakian and Tyson casting dissenting votes.

Councilperson Sherwin motioned to authorize the Borough Manager to advertise the 2005 budget and an ordinance setting the 2005 Millage Rate at .29 mills. Councilperson Krull seconded the motion. The motion carried 6-1 with Vice-President Robinson casting the dissenting vote.

Councilperson Sherwin stated that Council will hold a special meeting on December 30, 2004 at 7:00 p.m. to consider adoption of the 2005 budget.

Councilperson Sherwin motioned to adopt the Borough's cash investment policy, as recommended by our auditors. Councilperson Whitaker seconded the motion. The motion carried unanimously.

Councilperson Sherwin authorized the Borough Manager to advertise insurance renewal bids. Vice-President Robinson seconded the motion. The motion carried unanimously.

Councilperson Sherwin announced the resignation of Chris Mourse from the Media Business Authority (MBA) and thanked Mr. Mourse for his years of service. Councilperson Sherwin motioned to appoint Monica Rheoric to the MBA. Councilperson Krull seconded the motion. The motion carried unanimously.

Councilperson Sherwin announced Santa's arrival at the Armory and encouraged residents to visit Santa's Workshop.

Recreation, Grants, Recycling & Streetscape – Mrs. Krull

Councilperson Krull made the following Recreation Commission announcements; Senior Aerobics is being held on Wednesday afternoons at 1:00 p.m. at the cost of \$1.00 per lesson and the Youth Panel composed of middle and high school age Borough residents is looking for members. Those teens that would like to become involved should contact Monica Simpson.

Councilperson Krull announced that information regarding the Streetscape Project has been distributed in an insert in the Borough Fall Newsletter. Councilperson Krull encouraged residents to continue to patronize the downtown businesses during the renovation period.

Health & Shade Tree Commission – Mr. Alyanakian

Councilperson Alyanakian motioned to authorize the Borough Manager to advertise bids for solar panels on buildings throughout the Borough. Vice-President Robinson seconded the motion. The motion carried unanimously.

Councilperson Alyanakian motioned to award a sidewalk reimbursement to Janet Bushick. Councilperson Krull seconded the motion. Councilperson Whitaker motioned to table Councilperson Alyanakian's motion stating that a policy should be developed before authorizing reimbursements. Vice-President Robinson seconded Councilperson Whitaker's motion to table. Councilperson Krull asked Councilperson Alyanakian if the Shade Tree Commission had reviewed the rebate application. Councilperson Alyanakian responded that they had not, but the Commission has made recommendations in the past as to how to proceed. President Hagan asked that the Shade Tree Commission verbalize their policy in writing. Councilperson Sherwin supported the tabling and would like to move the discussion to the next regular workshop meeting. The motion to table the discussion of the rebate authorization carried 5-2 with Councilpersons Alyanakian and Tyson casting dissenting votes.

Privilege of the Floor

Jane Rowland, E. Second Street, inquired if the real estate tax would remain at .29 mills. Councilperson Sherwin explained that the property tax will be considered at a special meeting and the rate of .29 mills is being proposed. Ms. Rowland inquired how the new snow removal ordinance is different from the previous ordinance. President Hagan explained that the new

ordinance has greater enforcement powers. Solicitor Middlebrooks stated that the new ordinance is a consolidation of three previous ordinances.

Fire Chief, Ed Gibson, announced that the Borough has been reduced to an ISO level five from an ISO four. He recommended that businesses check with their insurance providers to see if this would cause a drop in their premiums. Chief Gibson explained that ISO is a rating system for insurance carriers.

Tedman O'Hara inquired about the debts owed to the Borough from the tenants of the New Orleans Café and Media Theatre. President Hagan responded that the Borough is in negotiations with the Theatre to modify a payment plan to settle any outstanding balances.

President Hagan stated an additional matter of business that was on her Committee agenda, and mentioned she would accept a motion to authorize the Borough Manager to execute a proposal with Robert Graham for the appraisal of 1 W. State Street. Councilperson Whitaker made the motion. Councilperson Krull seconded the motion. The motion carried 5-1, with Councilperson Robinson casting the dissenting vote. Councilperson Whitaker abstained from the vote.

Councilperson Sherwin announced that the United Methodist Church will hold a ceremony in commemoration of Martin Luther King on Sunday, January 16, 2005 at 4:00 p.m.

Councilperson Tyson stated that he feels the Borough should have a program to assist all residents whose properties are heaved by Borough trees, regardless of income. Councilperson Tyson requested Mayor McMahon veto the Emergency and Municipal Services Tax.

President Hagan requested that Councilperson Sherwin bring a motion to adopt the Ordinance setting the 2005 millage rate at .50 mills so that it could be tabled for consideration at the next meeting on December 30, 2004. Councilperson Sherwin motioned to adopt the ordinance setting the 2005 millage rate at .50 mills, which was seconded by Councilperson Whitaker. Vice-President Robinson motioned to table the motion, which was seconded by Councilperson Krull. The motion carried 5-2, with Councilpersons Tyson and Alyanakian casting dissenting votes.

Vice-President Robinson motioned to authorize the Borough Manager to advertise an ordinance setting the 2005 millage rate at .50 mills, for consideration at the December 30, 2004 meeting, if required by law. The motion was seconded by Councilperson Krull. The motion carried 5-2, with Councilpersons Tyson and Alyanakian casting dissenting votes.

Adjournment

Vice-President Robinson motioned to adjourn, which was seconded by Councilperson Krull. The meeting adjourned at 9:28 p.m.

Respectfully submitted,

Jeffrey A. Smith
Borough Manager/Secretary