

**MINUTES
BOROUGH COUNCIL MEETING
JULY 17, 2003**

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

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

Approval of the Minutes

Vice-President Robinson made a motion to approve the minutes of the Council meeting of June 19, 2003. Councilperson Whitaker seconded the motion. Motion carried unanimously.

300 Block of East State Street

President Hagan opened up discussions regarding the development of the 300 Block of East State Street. Melissa Sabatino of the 300 block of East State Street requested to be a party to the zoning proceedings for the application for the 300 block of East State Street. Solicitor Middlebrooks mentioned Ms. Sabatino should draft a letter of interest to Borough Manager Smith.

Tina Mason, 25 W. 4th Street, believes this project is not appropriate for the property. Ms. Mason requested Council send the Solicitor to all proceedings on behalf of Borough residents. Ms. Mason also requested to be a party to the zoning proceedings for this application.

Councilperson Whitaker and Solicitor Middlebrooks noted the appropriate process would be to obtain the services of a lawyer in order to direct questions during the Zoning Hearing.

Gloria Menseck, 233 E. State Street, requested a financial review to determine that there is no other way for this project to be profitable to the applicant. Vice-President Robinson noted it is well within the applicant's rights to build apartments on the property in question. Ms. Menseck asked if letters were distributed to area residents regarding the Planning Commission meeting that was held pertaining this issue. Vice-President responded that notices are not required until a Zoning Hearing Board meeting is scheduled.

Bill Tyson, 325 N. Edgmont Street, mentioned he is opposed to this project and believes if the applicant were to build twins, single homes or condominiums it would still be profitable. Mr. Tyson urged Council to take a leadership position and oppose this project. Mr. Tyson noted his disappointment that the zoning code was not updated to prevent this project from going forward since it is already a high-density area. In regards to other matters, Mr. Tyson commented on his disappointment in the acquisition of the Baltimore Pike and Church Street properties in order to develop them into parking lots. He also mentioned a plan for a pizza shop to be demolished and

another pizza shop constructing an additional parking lot in the rear. Mr. Tyson urged Council to oppose paved parking lots in residential areas. Vice-President Robinson responded that only a sketch plan came before Council for the pizza shop. Nothing has come before Council as of yet.

Lewis Johnson, 504 N. Olive Street, believes allowing this project to go forward does not indicate progress and believes it is unfair to residents in the area. As a side note, Mr. Johnson noted that Council members will do what they want regardless of residents' position. He also mentioned that Vice-President Robinson's support of previous ordinances have hurt the Borough. Vice-President Robinson responded by indicating that ordinances are not passed by one (1) person alone. It takes a majority of Council to pass an ordinance.

Regina McCarthy Pearse, 301 E. State Street, asked the Borough to consider environmental issues with regards to the development plans for 300 block of East State Street. Ms. Pearse noted water/drainage issues on Radnor Street and believes an underground parking garage will have a negative impact on an already problematic area. She also believes flooding in basements of residents' homes will occur due to the parking lot construction and removal of vegetation. Ms. Pearse further indicated traffic issues are a problem, adding this apartment complex will compound the problem. She believes a more accurate assessment of the problem could be taken from the 911 calls rather than police reportable accidents since vehicles sometimes already leave the scene prior to police arrival. This project will also change the percentage of renters to homeowners drastically whereby removing the old-fashioned feel of the town. She believes the use-by-right plan is a scare tactic by the applicant and believes they will find another profitable way to develop the property if denied. President Hagan clarified that the Zoning Hearing Board decides whether to approve or deny these projects and not Council.

Patrick Breslin, 300 block of E. State Street, urged Council to seriously consider the impact this development would have on the overall character of State Street.

Mrs. Benson, 413 E. Lincoln Street, noted numerous changes over the years. Some have been positive, but she views others as being along the lines of a small city thereby losing the feel of "Everybody's Hometown."

Tina Mason, 25 W. 4th Street, urged Council to be proactive in providing information to residents on Planning Commission and Zoning Hearing Board procedures. Vice-President Robinson believes that is a good idea and noted that although the State does not require information notices, the Borough may consider providing them.

506-510 N. Orange Street

President Hagan opened up discussion regarding the Hardcastle property and the construction of five (5) townhomes in this area at the above referenced address. The audience had no comments.

Miscellaneous Zoning Comments

Councilperson Whitaker commented that the Zoning Hearing Board is a quasi-judicial body. Council has disagreed with the Zoning Board in the past and initiated appeals as a result of their decisions.

Gloria Menseck, 233 E. State Street, asked what recourse residents have if they do not like the outcome of the Zoning Hearing Board meeting. Solicitor Middlebrooks noted residents could petition Council to appeal the decision. After a written opinion, the appeal process begins. Ms. Menseck inquired if prospective buyers to the area are made aware of a proposed project. President Hagan responded that the information is public knowledge.

Veronica Barbato, 300 block of W. 5th Street, asked what the elected officials will do to protect the residents if density becomes too much for one particular area. Vice-President Robinson mentioned that a recommendation will be made to the Planning Commission to review the R2 & R3 districts for density problems. Also, the Planning Commission may review parking requirements in all districts.

Tina Mason, 25 W. 4th Street, asked that Council explain why certain projects appear on Council's agenda if it is noted as a Zoning Hearing Board application. President Hagan responded that Borough Council reserves the right to authorize the Solicitor, Engineer or a Council member to attend the Zoning Hearing Board on behalf of the Borough.

Privilege of the Floor

Christine Dick, 113 Pennock Place, inquired on the status of the tot lot fence indicating the pickets are a safety hazard. Councilperson Gibian reported that the fence will be modified with a "C" cap over the pickets. He apologized for the delay, but noted it will be corrected by the end of next week. Councilperson Gibian advised residents not to use the tot lot over the next week if they are uncomfortable with the pickets.

Robert Dimond, 134 E. Third Street, announced he was in Washington, D.C. earlier in the day to attend a luncheon to recognize the eleven original Band of Brothers, the Company that parachuted on D-Day to save lives. He reported many Congressmen were in attendance as well as the Secretary of Homeland Security, Tom Ridge. Through Mayor McMahon's perseverance, Dick Winters will now receive the Medal of Honor. Mayor McMahon stated he was not alone in his efforts. He had the help of the Veterans Legacy and Bob Dimond.

Motion on 300 Block of East State

Commenting that it was a difficult decision, Vice-President Robinson made a motion to authorize the Solicitor to attend the Zoning Hearing Board meeting on July 24, 2003 pertaining to the development of an apartment complex along the 300 block of East State Street. If the Zoning Hearing Board recommends approval, Borough Council recommends the Solicitor ask for the following stipulations: a traffic study be prepared, no commercial usage for the property, no sub-division within the property, strict interior/exterior maintenance as outlined by the BOCA life safety codes, that the applicant work with the Borough to create a two-way street on Baker, façade changes to fit in with the neighborhood, require guest and overflow parking on 200 E. State Street (owned by applicant as well), reduce units from 45 to 41 (10% reduction). Councilperson Whitaker seconded the motion. Motion carried 6-1 with Councilperson Alyanikian casting the dissenting vote stating he believes some of the requests are unenforceable. All other Council members agreed that simply opposing this application would limit the Borough's position to negotiate with the applicant.

Proclamation #2003-07

Councilperson Krull presented Proclamation #2003-07 to Tom Hibberd of Hibberd Brothers Insurance for the outstanding façade enhancements to his properties at 210, 212, 214, 216 & 218 W. State Street. Mr. Hibberd took advantage of the low interest loan program offered by the Borough in conjunction with the Media Businesses Authority and participating banks. Mr. Hibberd congratulated all property owners currently taking advantage of the program and believes this to be a positive impact on the Borough.

Council Committee Reports

Community Development – Mr. Robinson

Vice-President Robinson made a motion to authorize the Solicitor to attend the Zoning Hearing pertaining to 506-510 N. Orange Street. The applicant proposes to build five (5) townhomes. After meeting with 8-10 residents in the area, it was apparent that they preferred townhomes to single family dwellings. The applicant is offering to donate 1.3 acres of open space back to the Borough. The Solicitor will be authorized to attend the Zoning Hearing with the following stipulations attached: no further site development on the property, owner or developer to remove trash and/or debris, Tree Warden to review site for tree removal or pruning, create screening or hill buffers from vehicle lights and the execution of an agreement for open space. Councilperson Whitaker seconded the motion. Motion carried unanimously.

Vice-President Robinson made a motion to authorize the Solicitor to attend the Zoning Hearing to oppose the application of 105-107 W. State Street for a sign variance. The applicant is seeking a variance from the sign ordinance for a canopy sign, which contains lettering on the east and west sides of the sign. Currently, only signage on the front of the canopy sign is permitted. This is a new business that did not obtain a permit or feedback from the Code Enforcement Officer. Councilperson Whitaker commented that although this is an unfortunate incident, sign vendors should always check with the Code Enforcement Department prior to erecting signs. Councilperson Whitaker seconded the motion. Motion carried 6-1 with Councilperson Alyanakian casting the dissenting vote, noting he believes the owner should not be penalized and that this is selective enforcement.

Vice-President Robinson made a motion to approve a subdivision application for 28 W. 7th Street with the attachment of the NDI memo dated July 2, 2003. Councilperson Whitaker seconded the motion. Motion carried unanimously. Vice-President Robinson noted the Planning Commission recommended approval.

Vice-President Robinson reported a special meeting was held to erect a cellular antenna on top of the Delaware County Courthouse building. The antenna is approximately the size of a laptop computer and it part of the JNET program, which allows police departments to transmit information county and state wide. This is a state-of-the-art crime-fighting tool. The system is expected to be up and running by the end of the month.

Mayor's Report – Mr. McMahon

Mayor McMahon announced the Media Borough has joined forces with "Project Video Connect: We're Home Until They're Home" to support our troops and their families in the Media area. President Hagan noted the Borough currently is one of 100 sites in the nation for this project and the only municipality. Monica Simpson (Media Recreation Commission) reported that Project Video Connect was launched by AOL for Broadband, Hewlett Packard and VIDISolutions in May 2003 and allows thousands of military personnel who have been deployed and their families to send video messages to each other from locations around the world. The Borough will not incur any costs for this privilege and the users will not be charged as well. If you are interested in setting an appointment to send a message or would like to volunteer to help out with the project, please contact the Borough office at 610-566-5210, X256.

Recreation & Code Enforcement – Mr. Gibian

Councilperson Gibian made a motion to execute the lease agreement with the Society for the Performing Arts at the Media Theatre after the agreement has been signed by the Society. Vice-President Robinson seconded the motion. Motion carried unanimously.

Councilperson Gibian made a motion to award the Media Theatre repairs and renovations bid to Frank Bianco Builders, Inc. in the amount of \$132,100. Councilperson Whitaker seconded the motion. Motion carried unanimously.

Councilperson Gibian announced the bid opening for the asbestos removal and remediation at the Armory has been extended.

If there are qualified individuals interested in the part-time Commercial Inspector position, Councilperson Gibian urged candidates to forward their resume to Borough Manager Smith.

Public Safety - Ms. Whitaker

Councilperson Whitaker reported that an investigation is currently underway following a car-jacking incident within the Borough. Councilperson Whitaker encouraged everyone to be careful and aware of your surroundings to ensure safety.

Councilperson Whitaker mentioned the Media Fire Company held their housing of the new Snorkel Truck on Saturday, June 21, 2003. She noted the event was well-attended. Senator Pileggi was also there to support the Fire Company. Deputy Chief Bellace announced a new ambulance will be arriving in October to keep current on state-of-the-art equipment, which will provide better service to residents. Deputy Chief Bellace also commented he was pleased to hear about Project Video Connect and noted the importance of upholding the morale of individuals overseas.

Personnel – Ms. Hagan

President Hagan mentioned she would accept a motion to adopt a resolution to provide Electronic Access to PennDot Systems. Vice-President Robinson made a motion to adopt Resolution #2003-09. Councilperson Whitaker seconded the motion. Motion carried unanimously

President Hagan mentioned she would accept a motion to advertise the sale of two (2) Borough owned vehicles. Councilperson Whitaker made a motion to authorize the Borough Manager to advertise the sale of fixed assets via a competitive bid process. Vice-President Robinson seconded the motion. Motion carried unanimously.

President Hagan mentioned she would accept a motion to authorize the Engineer to perform a traffic study in various areas within the Borough. Vice-President Robinson made a motion to authorize the Engineer to perform traffic studies at 4th & Orange, 5th & Orange, 3rd & Haldeman, 3rd & Monroe and 3rd Street (residential parking). Councilperson Whitaker seconded the motion. Motion carried unanimously.

President Hagan mentioned she would accept a motion to purchase the Media Real Estate property located at 15 Baltimore Avenue in the amount of \$375,000 to compliment the property next door previously purchased to create a parking lot. President Hagan asked Architect Bob Linn to elaborate on his findings since he was involved in negotiations with Trader Joe's and the price of the property increased from the previous agreed upon amount. Mr. Linn noted that in order to bring Trader Joe's into the Borough, we needed those two parcels to create more parking since parking was a sticking point during negotiations. The building has no historical value and, in his opinion has no redeeming qualities. He was not surprised by the final price considering the increased market values lately. Mayor McMahan, Vice-President Robinson, Councilpersons Krull, Sherwin, Gibian and Whitaker noted their disappointment in the increased price from the originally agreed upon amount, however, they believe it is an important acquisition to close the deal with Trader Joe's. Councilperson Whitaker made a motion to approve the purchase of 15 Baltimore Avenue in the amount of \$375,000. Councilperson Krull seconded the motion. Motioned carried 6-1 with Councilperson Alyanakian casting a dissenting vote, noting his dissatisfaction with paying over the originally agreed upon amount for the property.

President Hagan mentioned a Community Development Block Grant Public Hearing and Special meeting is scheduled for the first week in August to discuss a supplemental request in funding in the amount of \$200,000 for the Veterans Museum at the Armory. She noted the Borough is seeking a favorable response from the County.

Finance & Insurance – 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	444,018.00
Liquid Fuels Fund	<u>4,965.00</u>
Total	448,983.00

Vice-President Robinson seconded the motion. Motion carried unanimously.

Councilperson Sherwin made a motion to adopt Ordinance No. 976, approving the incurrence of a non-electoral general obligation debt in the amount of \$1.8 million over 15 years at a tax-free interest rate of 3.75%. Vice-President Robinson seconded the motion. Motion carried unanimously. It was further explained that proceeds will be used for matching grant funds for Streetscape, Third Street Bridge, CMAQ, creation of additional parking, etc. The principal and interest payments on the loan will be offset by Trader Joe's lease payment to the Borough in order to occupy the first floor of the Armory. Vice-President Robinson reported that the

Borough will receive additional revenue in the form of business privilege tax and it will also create more foot traffic through the Borough, which will also have a positive impact on businesses. Treasurer Gioggia clarified that the general obligation borrowing is not specifically for Trader Joe's.

As a follow-up to last month's amendment to the Historical Archives Commission Ordinance allowing up to one (1) non-Borough resident to serve on the Board, Councilperson Sherwin made a motion to appoint Pat Lemly of Nether Providence to the Historical Archives Commission for a term of five (5) years. Vice-President Robinson seconded the motion. Motion carried unanimously.

Grants & Recycling – Mrs. Krull

Councilperson Krull made a motion to authorize the Borough Solicitor to advertise a newspaper vending machine ordinance in an attempt to make the downtown's sidewalks safer and reduce clutter. Councilperson Whitaker seconded the motion. Motion carried unanimously.

Health & Shade Tree Commission – Mr. Alyanakian

Councilperson Alyanakian announced the going away party for Dr. Harold Russell on Friday, July 18, 2003 due to his resignation as the Health Officer within the Borough of Media.

Councilperson Alyanakian made a motion to appoint Bill Taylor to the position of Health Officer as his replacement. Vice-President Robinson seconded the motion. Motion carried unanimously.

Now that summer is upon us, Councilperson Alyanakian urged everyone to check on their elderly neighbors in times of extreme heat.

Councilperson Alyanakian reported that a case of West Nile Virus was found in Middletown Township. Councilperson Alyanakian reminded residents to rid their yards of standing water to eliminate mosquito breeding.

Privilege of the Floor

Jane Rowland, E. 2nd Street, mentioned she noticed vehicles parked in the opposite direction on her street. She requested police issue tickets for failure to park in the proper direction noting that Upper Darby Police currently issue tickets for this on a regular basis.

Zubair Khan, Executive Director of the Media Business Authority, reported on improved communication between the Authority and merchants through the efforts of John McCarrin (Media Business Authority President). He also noted the excitement of business owners with the arrival of Trader Joe's. He mentioned that various municipalities look favorably upon Media's successful business district and the large attendance at various events. Businesses are beginning to keep their stores open later on Friday and Saturday evenings. The business district is also anticipating the Streetscape project, which will hopefully be underway in the spring 2004. Mr. Khan thanked volunteers who helped during the Blues Stroll event and noted that the Media Business Authority recently donated \$500 to the National Blues Association, proceeds will go toward struggling blues artists.

Bob Ballantine, 200 block of Haldeman Street, thanked Council for their efforts in placing speed limit signs in his neighborhood, however, he believes better enforcement needs to be addressed as he witnesses cars speeding down his street and sliding through the stop sign on a daily basis.

Steve Kirchhoff, 5th & Olive Streets, inquired on the total price tag for the Media Theatre repairs and renovations. Mayor McMahon noted that \$200,000 in grant funding is coming from the State and the Borough is matching that amount, which will be repaid by the Society for the Performing Arts within a five (5) year period. Mr. Kirchhoff asked the consequences of the Society not being able to repay the debt. President Hagan responded that they would be in default due to the fact that the payment plan is outlined in their lease agreement.

Mr. Kirchhoff also inquired if all the Borough's lease payments are being kept up-to-date. President Hagan noted that would be looked into.

Kitty McFarland, 532 N. Lemon Street, asked if the Borough considered her previous request of leaving the lights around the buildings within the business district on all year round. Councilperson Krull noted she would present her request to the Media Business Authority.

Karen Stinger, 14 Manchester Avenue, requested a traffic study be performed all over due to heavy vehicle traffic. President Hagan responded that many areas within the Borough are being considered for traffic studies at this time.

Lewis Johnson, 504 N. Olive Street, inquired about the Borough's purchase of multiple real estate properties lately. President Hagan responded that it is not the intention of the Borough to acquire real estate, however, when grant funding is received we will obtain properties that are deserving.

Mr. Johnson also inquired about the long-term lease New Orleans Café has with the Borough and asked if the account is current. President Hagan noted this was similar question, which was asked by Mr. Kirchhoff and reiterated that a report would be generated for next month.

Mr. Johnson wanted clarification on the purpose of the general obligation debt if the Borough has funds set aside for various projects. Councilperson Sherwin responded that it makes sense to keep \$1 million dollars in capital reserve and take the loan instead while interest rates are at an all time low. He believes this to be the best possible strategy for funding the various projects.

Mr. Johnson asked what would happen if Trader Joe's did not do as well as expected in the Borough and were not able to honor their lease. President Hagan replied that she is confident Trader Joe's would honor their lease because they are a popular national food market, however, if a problem with the lease was incurred, the Borough would seek out a new tenant.

Robert Dimond, 134 E. Third Street, noted he is happy to live in the Borough and feels it is a desirable place to live where property values have doubled in less than ten (10) years. He believes the development and projects within the Borough shows progress.

Bill Tyson, 325 N. Edgmont Street, inquired on the status of the streetsweeper. President Hagan responded that the machine was out of service for a while due to a part that was on order. It is now operable and the Borough plans on hiring a retiree on a part-time basis in order to perform the streetsweeping.

Mr. Tyson inquired on the price the Borough paid for the other half of the twin on Baltimore Pike (former Seyfert property) and how many parking spaces would be created by the new parking lot. President Hagan replied that the price paid was \$250,000 and approximately 30-36 spaces would be created.

Mr. Tyson asked if the Borough was reimbursed expenses incurred during the Five Mile Run (non-profit annual event originally created by the Democratic party) in June. President Hagan responded that she was not aware since the Delaware County Roadrunners Association handles this event. President Hagan noted that the policy has not changed in twenty-five years. Mr. Tyson inquired if the Republican party were to put forth a proposal for an event, would Borough Council extend an offer to them to hold the event, close Borough streets, etc. President Hagan responded by saying it would be possible if the proceeds were not used for political purposes and given to non-profit agencies.

Patrick Breslin, 300 block of East State Street, mentioned the newly remodeled ACME Market has a much better layout; however, he noted safety concerns with the parking lot—especially from the Baltimore Pike side. Vice-President Robinson noted the idea in the layout of the lot was to remove vehicles from the front of the stores. President Hagan mentioned the Borough will take his concerns to Nether Providence, which is where the bulk of the parking lot is located, and the property owner.

Zubair Khan, Executive Director of the Media Business Authority, announced a date change for the 7th Annual Fellowship Festival of Myth, Folklore and Story Telling. It will be held on Saturday, October 18th at 12:00 noon.

Adjournment

Councilperson Gibian made a motion to adjourn the meeting at 10:25 p.m. Vice-President Robinson seconded the motion. Motion carried unanimously.

Respectfully submitted,



Jeffrey A. Smith
Borough Manager/Secretary