

**MINUTES
BOROUGH COUNCIL MEETING
SEPTEMBER 21, 2006**

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, Derrickson, Williamson and Tyson. Also present were Borough Manager Smith, Engineer Walton and Solicitor Middlebrooks.

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

Approval of the Minutes

Vice-President Hall made a motion to approve the August 17, 2006 Borough Council Meeting minutes. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Engineer's Report

Engineer Walton mentioned that speed humps will be installed on East Front Street in the near future. Councilman Derrickson noted that the Borough is currently working with the contractor on scheduling the installation of the speed humps. Councilman Tyson mentioned that the installation of speed humps or stop signs is always a concern of the fire company as it relates to response time to emergencies.

As it relates to the 600 N. Jackson Street Zoning Hearing Board Application (Broadway Bound Dance Academy), Engineer Walton noted that the Planning Commission had conditions on the application as well as NDI Engineering for stormwater management.

Media Business Authority Donation to Media Fire Company

Chris Pavlou, President of the Media Business Authority, presented a check in the amount of \$1,000 to Ed Gibson, Fire Chief of the Media Fire Company. Mr. Pavlou thanked Borough Council for their support of the Media Business Authority, residents for their new ideas for community events and the Media Fire Company for their help during all Media Business Authority events. Fire Chief Gibson thanked Mr. Pavlou and the Media Business Authority for their generosity.

Public Comment & Privilege of the Floor

Ed Gibson, Fire chief of the Media Fire Company, reminded everyone to have their heaters and fireplaces serviced as the winter months are fast approaching. Fire Chief Gibson also reminded everyone to yield to emergency vehicles along Borough streets as not doing so hampers their response time to emergencies. Fire Chief Gibson mentioned that the Media Fire Company is in need of volunteers. Please contact the Media Fire Company if you are interested.

Bryan Wren, 608 Allen Lane, inquired as to when the new plans for the proposed hotel for 415 South Providence Road will be made available. Borough Manager Smith mentioned that the Borough requires them to be submitted one (1) week prior to the Planning Commission meeting, which will take place on Tuesday, October 3, 2006. Therefore, we should have the plans by the close of business on Monday, September 25, 2006 and they will subsequently become available to the public on Tuesday, September 26, 2006.

Elaine Battle, 41 Oakmont Place, noted that she supports the Zoning Hearing Board application for 600 N. Jackson Street (Broadway Bound Dance Academy) and urged Council to support the application.

Dave Krull, 702 Centennial Avenue, mentioned that he also supports the Zoning Hearing Board application for 600 N. Jackson Street. Mr. Krull indicated that this is a great activity for children and great business to have in the Borough. Mr. Krull noted that he does not believe there will be a problem with traffic or parking.

Allen Andrews, 127 W. 7th Street, noted that he supports the arts especially for children, but is concerned about traffic resulting from Broadway Bound Dance Academy if the applicant is granted a variance.

Mayor's Report – Mayor McMahan

Mayor McMahan read Proclamation #2006-07, proclaiming September 2006 to be Suicide Awareness Month.

Mayor McMahan read Proclamation #2006-09, proclaiming September 2006 to be Childhood Cancer Awareness Month.

Mayor McMahan reported the Police Department received and investigated 953 complaints during the month of August. There were no reported burglaries during the month of August.

Council Committee Reports

Health, Historic Preservation & Library – Mr. Tyson

Councilman Tyson reported that the Media-Upper Providence Library has many upcoming programs, including an Introduction to Architecture Program. Please view their website for more information on all of the programs at www.medialibrary.org.

Councilman Tyson noted that the Media-Upper Providence Library Board members put together a report of long range goals for the library. Also, a Library Legislative Breakfast will be held on Friday, September 22, 2006 from 7:30 a.m.-9:30 a.m. at Brodeur's on State Street.

Councilman Tyson announced that the Media Historic Preservation is sponsoring a holiday Historic House Tour on Saturday, December 9, 2006. More details to follow.

Recreation, Technology, Media Business Authority & Lighting –

Mrs. Simpson

Councilwoman Simpson congratulated the Media Business Authority for their support of the Media Fire Company.

Councilwoman Simpson announced the following events:

- October 1, 2006, 12:00 noon-5:00 p.m. – Media Food & Crafts Festival (rain date October 8, 2006)
- October 21, 2006, 8:00 p.m.-1:00 a.m. – Jazz by Night Festival
- October 28, 2006, 11:30 a.m.-1:30 p.m. – Halloween Party at the Community Center (rain or shine)
- October 28, 2006, 2:00 p.m. – Halloween Parade on State Street (rain date October 29, 2006)

Councilwoman Simpson made a motion to regrettably accept the resignation of Lindsay Taylor from the Recreation Board. Ms. Taylor's term expires on December 31, 2008. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilwoman Simpson made a motion to regrettably accept the resignation of James Austin from the Recreation Board. Mr. Austin's term expires on December 31, 2007. Vice-President Hall seconded the motion. The motion carried unanimously. Due to the amount of time Mr. Austin has spent serving the Recreation Board, he will be asked to serve as an honorary member.

With the two (2) resignations as indicated above, this creates vacancies on the Recreation Board. Anyone interested should submit a letter of interest to Borough Manager Smith.

Public Safety, Media Arts Council & Streetscape – Mr. Hall

Vice-President Hall made a motion to authorize the Solicitor to draft and advertisement traffic ordinance amendments as it pertains to handicapped parking spaces. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Vice-President Hall made a motion to approve a handicapped parking permit application for 1 E. Ridge Road. Councilman Alyanakian seconded the motion. The motion carried unanimously.

The Media Arts Council will be creating a mosaic at the Plum Street Mall. The mosaic will be placed on the wall in the rear of the Plumstead Inn and will feature tiles of handprints from individuals in the community. An artist will have clay available on Saturday, October 14, 2006 at 2:00 p.m. for those interested in contributing to the mosaic.

A Streetscape Ribbon-Cutting Ceremony celebration will take place on Saturday, October 14, 2006 starting at 3:00 p.m., featuring a band, balloons, magicians, refreshments, etc. The actual ribbon-cutting event will take place between 5:30 and 6:00 p.m. Immediately following the ribbon cutting will be the Media Arts Council Second Saturday event.

Vice-President Hall noted that the Borough is exploring the possibility of bringing a farmers market to town. If you have any thoughts on this issue, please feel free to contact Vice-President Hall at his residence, 117 N. Edgmont Street; on his cell at 610-529-5378; or via e-mail at brian.c.hall@hotmail.com.

Vice-President Hall mentioned that any and all traffic concerns (i.e. parking, etc.) should be communicated with Police Chief, Martin Wusinich.

Personnel, Public Properties, Finance & Insurance – Mr. Daly

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

General Fund	\$ 293,211.73
Recreation Fund	\$ 15,772.34
Total	\$ 308,984.07

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

President Daly noted that creation of the 2007 budget is underway and will feature a newly created capital fund budget.

President Daly made a motion to adopt the 2007 Minimum Municipal Obligation (MMO) Report for Non-Uniformed in the amount of \$87,822 and Police Pension Plan in the amount of \$309,186. Councilman Tyson seconded the motion. The motion carried unanimously.

President Daly made a motion to hire Christopher Schmid as the part-time Commercial Code Inspector position within the Code Enforcement Department at a rate of \$16.00/hour. Borough Manager Smith noted that Mr. Schmid is more than qualified for the position with his firefighter background. Mr. Schmid will be working towards his ICC certification as it applies to this position. Councilman Alyanakian seconded the motion. The motion carried unanimously.

President Daly noted that the Borough is the owner of various properties in town (i.e. Armory, Media Theatre, Media Municipal Center and Brodeur's on State Street (former Borough Hall). Most recently President Daly was on hand for an inspection to the Armory where there was a report of water intrusion to the building. The Society for the Performing Arts will conduct their regular monthly meeting on October 12, 2006, which President Daly asked for volunteers from Council to attend on behalf of the Borough. Councilwoman Simpson noted she will attend the meeting and Vice-President Hall, as a representative of the Community Development Committee, mentioned he would attend if his schedule allows.

Code Enforcement and Community Development – Mr. Williamson

Councilman Williamson noted that a Public Hearing was held at 7:30 p.m. this evening prior to the Council meeting to receive public comment on the intermunicipal transfer of a liquor license to 140 E. Baltimore Avenue (Court Diner). Solicitor Middlebrooks outlined the process of entering into an agreement and some of the stipulations that have been put in place previously. Councilman Williamson made a motion to approve the liquor license transfer request pending the applicant enter into an agreement with the Borough noting the following conditions: alcohol served from 12:00 noon – 11:00 p.m.; no sit down bar provided; no entertainment provided; no takeout offered and a sixty percent (60%) food to forty percent (40%) alcohol sale ratio be adhered to. Vice-President Hall seconded the motion. The motion carried 6-1, with Councilman Derrickson casting the dissenting vote. Joseph Van Wyk, attorney for the applicant, agreed to all conditions as outlined by Council except that his client would like the option to provide take out to customers at a later date and is willing to work with the Borough of this issue. President Daly noted that this is not something that was permitted with the other four (4) intermunicipal liquor license transfers coming into the Borough previously. Councilman Tyson mentioned his concern with the amount of liquor licenses in the Borough compared to our population. Vice-President Hall inquired if there was a mechanism in place to monitor the food to alcohol sale ratios. Borough Manager Smith explained that the Borough sent letters to the four (4) businesses benefiting from the intermunicipal liquor license transfers requesting the food/alcohol rations. Thus far, we have received two (2) of the four (4) responses.

Councilman Williamson made a motion to approve the Change of Use/Minor Land Development application for 332 W. State Street, which will expand the ROA district. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Williamson made a motion to approve the Change of Use/Minor Land Development application for 28 W. State Street. The applicant intends to operate a dermagraphic studio at this location with the entrance on Baker Street and has agreed to façade enhancements, parking area enhancements and that the employees shall utilize the parking garage for parking of their vehicles. Hours of operation shall be 11:00 a.m.-9:00 p.m. during the week and 12:00 noon-9:00 p.m. on Sundays.

Councilman Williamson noted that the Planning Commission recommends that Borough Council not oppose the Zoning Hearing Board application for 600 N. Jackson Street (Broadway Bound Dance Academy) with the following conditions: no more than 30 students at a time, not to operate past 9:30 p.m. on weekdays and 5:00 p.m. on weekends, that the applicant perform stormwater management enhancements to the property as outlined by the Borough Engineer, and that the applicant perform landscaping improvements to their portion of the building. Councilman Alyanakian mentioned that he lives on Sixth Street and believes that granting this application will have little impact on traffic and that this is a great use for the building.

As it relates to the proposed hotel at 415 South Providence Road, Councilman Williamson mentioned that the applicant intends to submit a new proposal for a four (4)-story building, which would be approximately 40 feet high. The applicant will be seeking two (2) variances: one (1) for the height of the building and the other for signage. This application will come before the Planning Commission on October 3, 2006 and will be reviewed at the October 5, 2006 Workshop Meeting. It is anticipated that Borough Council will vote on the application at their October 19, 2006 meeting. From there the applicant will go before the Zoning Hearing Board on October 26, 2006.

Previously membership on the Planning Commission was expanded from seven (7) to nine (9) members. With that said, Councilman Williamson made a motion to appoint Daniel Costello and Michael Kinsley to the Planning Commission for a term of four (4) years (expiring December 31, 2009) provided that they recuse themselves from voting on the Hampton Inn application at the October Planning Commission meeting. Councilman Tyson seconded the motion. The motion carried unanimously.

Councilman Williamson made a motion to authorize the Solicitor to draft and advertise amendments to the Building Construction Ordinance, which essentially replaces BOCA references with ICC throughout the ordinance. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Williamson made a motion to appoint Dave Karlunas as the Deputy Fire Marshal within the Borough. Mr. Karlunas is currently a part-time residential inspector within the Code Enforcement Department and has a vast knowledge of fire safety. Councilman Tyson seconded the motion. The motion carried unanimously.

Councilman Williamson provided an update on the Upper Providence Township Zoning Hearing Board application pertaining to billboards at 721 Painter Street and 700 West Baltimore Avenue. Councilman Williamson reported that the Borough has entered an appearance before the Upper Providence Zoning Hearing Board as a party to the process. Another hearing will take place on September 27, 2006.

Highway, Recycling & Emergency Management – Mr. Derrickson

Councilman Derrickson made a motion to authorize the Borough Manager to advertise bids for the sale of a dump truck and pick-up truck (Highway Department vehicles). Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Derrickson thanked Ralph DeRosa, Public Works Director, and the Highway Department for their hard work throughout the Borough.

Councilman Derrickson also thanked Jim Jeffery for all of his hard work as he wears many hats within the Borough (Code Enforcement Director, Emergency Management Director, Fire Marshal, etc.). Councilman Tyson inquired as to whether there will be an Emergency Management meeting during the remainder of 2006. Councilman Derrickson replied that there is no meeting scheduled as of yet.

President Daly inquired about National Incident Management System (NIMS) certification. Borough Manager Smith reported that some officials are still working on getting certified, but should be completed in the near future.

Shade Tree Commission & Environmental Advisory Council – Mr. Alyanakian

Councilman Alyanakian made a motion to appoint Marcia Tate to the Environmental Advisory Council for a term of one (1) year, expiring December 31, 2006. Councilman Tyson seconded the motion. The motion carried unanimously.

Councilman Alyanakian mentioned that if you require the Shade Tree Commission to inspect Borough-owned trees in order to have them trimmed, etc., please contact Borough Manager Smith as soon as possible.

Councilman Alyanakian made a motion to authorize the Solicitor to draft and advertise an ordinance pertaining to sex offenders. This ordinance would restrict registered sex offenders from residing within a 500-foot radius of schools, parks, churches and child care facilities. Councilman Alyanakian noted that there are currently 22 registered sex offenders within zip code 19063. Lower Chichester Township, Bensalem Township and Lower Southampton Township have adopted similar ordinances. Councilman Tyson seconded the motion. Councilwoman Simpson inquired as to whether a 500-foot radius would be too much for the size of the Borough. A map was displayed indicating the areas allowing sex offenders to reside if such an ordinance was adopted. After much discussion about this ordinance, Councilwoman Simpson made a motion to table this ordinance until Council has an opinion on this subject from Police Chief Wusinich. Vice-President Hall seconded the motion. Borough Manager Smith took roll call on the vote. The motion to table carried 4-3, with Councilmen Tyson, Alyanakian and Williamson casting dissenting votes.

Public Comment & Privilege of the Floor

Jane Rowland, East Second Street, inquired about the leaf schedule. Borough Manager Smith indicated that the schedule is posted on the Cable Channel and website, but that typically it starts mid-October depending on when the leaves actually begin to start falling from the trees.

Eileen Fremuth, 102 Pennock Place, inquired if Borough Council was aware of recent actions of Chris Pavlou, President of the Media Business Authority, as it pertains to the Hampton Inn hotel application. Ms. Fremuth believes that Mr. Pavlou's outspoken support of the application is a conflict of interest and perhaps goes against the Borough's Code of Ethics. Councilman Williamson responded that Ms. Fremuth concerns are valid. President Daly noted the Solicitor will review this issue.

Solicitor Middlebrooks noted that the Borough Code can be accessed online via the Borough's website at www.mediaborough.com.

Carla Drake, 120 Pennock Place, requested the applicant for the hotel provide a visual of the height of the proposed hotel as it is difficult to imagine on paper. President Daly noted that there have been instances in property development where height balloons have been hung in order to visualize dimensions of a proposed building. Councilman Williamson mentioned that he will inquire as to whether or not the developer is willing to hang such balloons.

Christy Dick, 113 Pennock Place, mentioned that she is very concerned about the proposed hotel application. Ms. Dick noted that she believes not one (1) Hampton Inn & Suites in the area abuts a residential district. Ms. Dick believes this is a very intensive development of this property.

Adjournment

Councilman Derrickson motioned to adjourn the meeting at 10:10 p.m. Vice-President Hall seconded the motion. The motion carried unanimously.

Respectfully submitted,



Jeffrey A. Smith

Jeffrey A. Smith
Borough Manager/Secretary