

**MINUTES
BOROUGH COUNCIL MEETING
OCTOBER 19, 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. President Daly observed a moment of silence for the passing of James Austin, Virginia Bevan and Water Pileggi.

Approval of the Minutes

Vice-President Hall made a motion to approve the September 21, 2006 Public Hearing minutes and the September 21, 2006 Borough Council Meeting minutes. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Public Comment & Privilege of the Floor

Carol Fanelli, 34 W. State Street, expressed her concerns with noise due to loud music coming from Picasso's restaurant. After several failed attempts to come to a resolution with the restaurant owner, Ms. Fanelli is looking to Borough Council for help. Ms. Fanelli believes the area in the restaurant designated for music should be moved, which would perhaps alleviate most of the noise and vibrations in her apartment, which is above the restaurant. President Daly noted that the Code Enforcement Department sent letters to Picasso's and Stephen's on State regarding the parameters under which the Borough authorizes and regulates seasonal outdoor dining. The letter outlined general use regulations as well as provided a synopsis of the Borough's noise ordinance as it relates to musical bands. Jim Jeffery, Code Enforcement Director, stated that the current noise ordinance does not allow for noise disturbance between the hours of 10:00 p.m. and 7:00 a.m. The Code Enforcement Department is looking into amending the ordinance. Mr. Jeffery also stated that the Borough has purchased a sound meter in an effort to measure noise level (in decibels) outside an establishment. Mr. Jeffery noted that he did not receive a response to the letters sent regarding seasonal outdoor dining.

Chris Pavlou, owner of 34 W. State Street, mentioned that he has witnessed the noise within his tenants' apartments and believes it to be an unbearable situation, however, he noted that there are options to correct the problem.

Tom Martin, 602 Allen Lane, mentioned he believes that if Council approves the four (4) story Hampton Inn proposal at 415 S. Providence, it will set a precedent. Mr. Martin also mentioned that he believes this will have a long-term negative impact on the Borough as well as property values in the vicinity of the proposed hotel.

Jim Keller, 442 E. Jefferson Street, referenced the Hampton Inn in Yardley, which is a three (3)-story/100 room hotel. Mr. Keller believes this to be a nice looking hotel and invited Borough Council to view it online.

Judy Fowler, 18 E. Jefferson Street, noted that she believes that the proposed hotel is the best use of this land. Ms. Fowler would prefer the hotel over some of the other alternatives (i.e. sports bar, car wash, etc.).

Hans Fremuth, 102 Pennock Place, noted he is in favor of a nice hotel coming into the Borough. He indicated that he believes the Hampton Inn qualifies as a nice hotel. Mr. Fremuth is concerned with the amount of rooms in the current proposal. Mr. Fremuth mentioned that West Chester Borough received proposals for a hotel in their municipality. Mr. Fremuth expressed his concerns that the proprietor of the proposed hotel was the former owner of the Raven Motel. President Daly explained that Council will decide this evening whether or not to officially oppose this application. President Daly also explained the process of this application as it goes before the Planning Commission and Zoning Hearing Board.

Hope Halliday, 121 Pennock Place, also expressed concerns with the former proprietor of the Raven Motel running a new hotel within the Borough of Media. Ms. Halliday inquired as to why the Borough of Media could not solicit proposals for a hotel so that there were options to choose from. President Daly stated that there have been expressions of interest to bring a hotel into the Borough over the years, however, property owners could not reach a deal. Mayor McMahon mentioned that the Borough attempted to recruit hotels for the west side of town as well as for various Media Real Estate properties, but agreements could not be reached. Vice-President Hall indicated that the property at 415 S. Providence Road is not owned by the Borough, therefore, we are unable to solicit proposals. Councilman Alyanakian also noted that the Borough tried to recruit several different hotels into the Borough, but the economics did not work. Councilman Alyanakian indicated that the Borough is making a decision this evening strictly on the proposal that has been presented to them.

Bryan Wren, 608 Allen Lane, mentioned that she had the opportunity to view the height balloons that were installed at 415 S. Providence Road in order to obtain a visual of the proposed height of the building. Ms. Wren indicated that she believed they looked lower than the proposed height.

Sam Aber, 1 Rachel Drive, noted that he is not concerned about the hotel coming into the Borough. Although he does not know the particulars about the proposal, he believes the hotel would impact Media Borough's small town feel.

Peter O'Kane, 605 Allen Lane, mentioned that he admires and respects the work that Council does as elected officials. Mr. O'Kane indicated that during a previous meeting Councilman Alyanakian started a dialogue about what residents would like to see happen with this property. Mr. O'Kane would like this dialogue continued.

Carla Drake, 120 Pennock Place, referenced the Comprehensive Plan as prepared by Tom Comitta and indicated that she believes Mr. Comitta's opinion on the hotel proposal

changed dramatically the second time around. Councilman Williamson indicated that Mr. Comitta's initial concern was with the height of the proposed hotel and when it was revised to reflect four (4) stories he was more in favor of the proposal. Ms. Drake asked when the opinion of the residents will be taken into consideration on this issue. President Daly responded that Council is working to obtain a balance on this project. While there are many residents in opposition of this proposal, there are many residents who are in favor.

Hans Fremuth, 102 Pennock Place, inquired about a traffic study in the vicinity of this project. President Daly noted that traffic studies will be required and incumbent upon the applicant to obtain.

After hearing comments on the hotel application, it was determined that Council would move forward with voting on this issue.

Zoning Hearing Board Application – 415 S. Providence Road

Councilman Williamson recommends that Borough Council not oppose the height variance for the proposed hotel at 415 S. Providence Road with the following conditions: the height be no more than 494.5 feet above sea level, an emergency access (only) entrance be placed on Providence Road, an 18-20 foot tall evergreen hedge be installed along with a six (6) foot solid acoustic fence and that the building be any other color than white. Councilman Tyson mentioned that he appreciates the time and effort of the Pinnacle Group performed on this proposal, but he believes this is not appropriate in this location. Councilman Tyson made a motion to send the Solicitor to the Zoning Hearing Board to oppose the height variance. Councilman Alyanakian seconded the motion. The motion was defeated 5-1, with President Daly, Vice-President Hall, Councilwoman Simpson, Councilmen Williamson and Alyanakian casting the dissenting votes. Councilman Derrickson was absent for this portion of the meeting.

Councilman Williamson recommends that Borough Council oppose the sign variance for the proposed hotel at 415 S. Providence Road and made a motion to send the Solicitor to the Zoning Hearing Board to represent the Borough on this matter. Councilman Tyson seconded the motion. The motion carried unanimously. Councilman Derrickson was absent for this portion of the meeting.

Borough Council adjourned the meeting to take a five (5) minute break.

Mayor's Report – Mayor McMahon

Mayor McMahon reported the Police Department received and investigated 953 complaints during the month of September. There was one (1) reported burglary during the month of September, which occurred in the 400 block of South Avenue.

Mayor McMahon read Proclamation #2006-09, proclaiming October 23-31, 2006 to be Red Ribbon Week within the Borough of Media: Working Toward a Drug-Free Community.

Mayor McMahon read Proclamation #2006-10, extending gratitude and appreciation to the 2nd Baptist Church and its members who have worked so faithfully and given so generously to the civic projects in our community.

Mayor McMahon read Proclamation #2006-11, proclaiming Saturday, September 21, 2006 to be Robert "Bootsie" Barnes Day.

Mayor McMahon read Proclamation #2006-12, proclaiming Saturday, September 21, 2006 to be Mickey Roker Day.

Mayor McMahon read Proclamation #2006-13, declaring October 2006 to be National Energy Awareness Month. Councilman Alyanakian noted that the Borough of Media is the leading municipality with regard clean energy. Councilman Alyanakian thanked the Environmental Advisory Council and Judy Fowler, Grants Administrator, for their efforts in obtaining grants to install solar panels on municipal-owned buildings.

Mayor McMahon announced the Veterans Day Parade will take place on Saturday, November 11, 2006. There will be a documentary shown at the Media Theatre at 10:00 a.m. pertaining to the Band of Brothers. The parade will commence at 12:00 noon with a ceremony at the Court House. Mayor McMahon indicated that Treasurer Dimond does a great job every year coordinating the parade. Mayor McMahon also announced that a play entitled "Paying the Price" will be shown later that evening at the Media Theatre pertaining to POW's in World War II.

Council Committee Reports

Shade Tree Commission & Environmental Advisory Council – Mr. Alyanakian

Councilman Alyanakian made a motion to adopt Resolution #2006-17, supporting the goal of having 20% of Media Borough's electricity coming from clean renewable sources by 2010. Councilman Williamson seconded the motion. The motion carried unanimously.

Highway, Recycling & Emergency Management – Mr. Derrickson

Councilman Derrickson indicated that the bid opening for the sale of fixed assets took place on October 16, 2006. Councilman Derrickson made a motion to sell the 1992 GMC Pick-up Truck to Motor Works, Ltd. in the amount of \$425.50 and the 1997 Ford F-350 Dump Truck to Auto Wholesalers in the amount of \$8,283.00. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Derrickson reported that the Borough will delay the bid award for the ordinary street maintenance, etc. until the November Council meeting as the Engineer is currently reviewing the bids.

Councilman Derrickson explained a recent incident with the Sanitation Department involving hazardous waste materials collected with the regular trash pick-up. The Sanitation workers went to the hospital and released the same day when it was determined that they were not injured. Councilman Derrickson reminded everyone not to place household hazardous waste with the regular trash collection. The County of Delaware sponsors household hazardous waste collection dates four (4) times per year. Information on these collections can be obtained through Cable Channel 10 and the Borough's website at www.mediaborough.com. If you are unsure about what is considered to be hazardous waste, please feel free to contact the Borough office at 610-566-5210.

Councilman Derrickson made a motion to adopt Resolution #2006-15, accepting and adopting the Delaware County Hazard Vulnerability Assessment and Hazard Mitigation Plan – Natural Hazards. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to adopt Resolution #2006-16, adopting the National Incident Management System (NIMS) and recommending all public safety agencies, emergency responders, hazardous materials users and transporters, hospitals and school districts situated within the municipality to do the same. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Councilman Derrickson mentioned the 2006 leaf collection schedule and mentioned it is also available for viewing on the Borough's website as well as Cable Channel 10.

Councilman Derrickson noted that Borough identification cards are currently being made for those individuals out in the field on Borough business.

Councilman Derrickson mentioned that the installation of two (2) speed humps within the 100 block of East Front Street is complete. Vice-President Hall noted that this has been effective in calming vehicular traffic. President Daly noted that perhaps the speed humps could be painted on both sides.

Code Enforcement and Community Development – Mr. Williamson

Councilman Williamson made a motion to authorize the drafting and advertisement of an ordinance abandoning North Avenue as it was determined that the Borough of Media had no practical use for the land. The sewer easement will remain in place. Solicitor Middlebrooks explained the next step in the process will be resident notification followed by a hearing and deed transfer. Councilman Tyson seconded the motion. The motion carried 6-1, with Councilman Derrickson casting the dissenting vote.

Councilman Williamson made a motion to approve the Change of Use/Minor Land Development Application for 114-116 South Olive Street. The applicant is proposing a two (2)-story restaurant as per the drawing shown. Councilman Derrickson seconded the motion. The motion carried unanimously with President Daly abstaining from the vote.

Councilman Williamson made a motion to approve the Change of Use/Minor Land Development Application for 101 W. State Street, 10,000 Villages, pending the applicant meeting fire code requirements as well as the requirements of the Borough Engineer. Councilman Derrickson seconded the motion. The motion carried unanimously.

Councilman Williamson mentioned that the Towne House restaurant is requesting the use of two (2) parking spaces for takeout services. Councilman Williamson noted that the Parking Committee reviewed and opposed this request. Councilman Williamson made a motion to deny the request for the Towne House to utilize two (2) parking spaces for their takeout business. Councilman Derrickson seconded the motion. Councilman Alyanakian does not believe that granting this request will have an impact on the Borough. President Daly responded that he did not want to set a precedent by granting the request. Councilman Alyanakian made a motion to approve the request for two (2) parking spaces for the Towne House to use for their takeout services. Councilman Tyson seconded the motion. The motion was defeated 4-3, with President Daly, Vice-President Hall and Councilmen Derrickson and Williamson casting the dissenting votes.

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	\$ 477,897.42
Recreation Fund	<u>\$ 3,253.28</u>
Total	\$ 481,150.70

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

President Daly commented on the 2007 budget process and the development of a Capital Improvements Program. Borough Manager Smith explained that blank budgets were distributed to department heads in August. The Finance Committee will be furnished with a copy of the preliminary 2007 budget next week. The 2007 preliminary General Fund, Liquid Fuels Fund, Recreation Fund and Capital Fund budget will be up for adoption at the November Council meeting with the final budgets to be adopted at the December Council meeting.

President Daly reported that the Parking Committee will meet again in the near future to put together the final Parking Committee Recommendation Report. Some of the items they are recommending to implement include increasing fines for parking in a handicapped parking space, three (3) hour parking in front of the Court House and a discount for multiple occupancy vehicles.

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

Vice-President Hall made a motion to adopt Ordinance No. 1013, amendments to the Traffic Ordinance, to include handicapped parking spaces. Councilman Williamson seconded the motion. The motion carried unanimously.

Vice-President Hall made a motion to reauthorize the drafting and advertisement of False Alarm Ordinance amendments. Councilman Derrickson seconded the motion. The motion carried unanimously.

Vice-President Hall made a motion to authorize NDI to prepare a traffic study for the placement of a stop sign at Third & Monroe Streets. The Public Safety Committee reviewed the request for the placement of the stop sign in this location and recommend approving the installation of the sign. Councilman Alyanakian seconded the motion. The motion carried unanimously. Councilman Williamson inquired about the cost of such a study and it was determined to cost approximately \$1,600-\$2,000.

Vice-President Hall noted that the Media Arts Council completed the initial stage of creating a mosaic at the Plum Street Mall. The handprint tiles have been created and the installation of them will take place in the spring. Vice-President Hall encouraged everyone to attend the Media Arts Council Second Saturday events, which will take place on November 11, 2006 and December 9, 2006.

Recreation, Technology, Media Business Authority & Lighting – Mrs. Simpson

Councilwoman Simpson announced the following events:

- October 21, 2006, 8:00 p.m.-1:00 a.m. – Jazz by Night Festival. Tickets are \$10 in advance and \$15 at the event. There is a fantastic array of entertainers for the evening.
- October 26, 2006 – The Fellowship House will sponsor a bus trip to New York City to see The Color Purple.
- 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)
- The Recreation Board will sponsor a senior bus trip on November 30 2006 to the American Music Theatre in Lancaster. Please call the Recreation Office at 610-566-5210, ext. 255 for more information.

Health, Historic Preservation & Library – Mr. Tyson

Councilman Tyson reported that the Media-Upper Providence Library hosted a Legislative Breakfast on Friday, September 22, 2006, whereby the main topic was the library's comprehensive plan.

Councilman Tyson announced that a book sale will be held this coming weekend.

Public Comment & Privilege of the Floor

President Daly read e-mails received during the meeting and addressed them accordingly.

Eileen Fremuth-Kelly asked the following questions: 1) When will the Zoning Code be updated to conform to the Comprehensive Plan? 2) Would Borough Council be willing to post up to three (3) years worth of Planning Commission meeting and Council meeting minutes? 3) How it is determined what should be put in the Planning Commission and Council meeting minutes and what can be omitted? Councilman Williamson responded to question 1) that a Task Force is in place to review and begin to implement the most important items within the Comprehensive Plan. Councilman Williamson noted that currently the two (2) most important items that will be address are the Baltimore Pike corridor and setbacks and building coverages. To address questions number 2) and 3), Borough Manager Smith indicated that we would be happy to post the Planning Commission and Borough Council meeting minutes online for the past three (3) years. Borough Manager Smith also indicated that the Borough generally captures the essence of the meeting as required by the Pennsylvania state guidelines.

Kathleen Paul sent an e-mail inquiring how Council reaches a decision to oppose or not oppose variances (i.e. proposed hotel)? Ms. Paul particularly wanted to know how Borough Council determines that they are reflecting the views of the majority of the Borough. Councilman Williamson responded that the Borough listens to everyone on the issues. Particularly with the hotel application, both sides weighed in evenly.

Kathleen Paul sent an additional e-mail asking clarification about Media Business Authority minutes referencing the use of municipal vehicles not in service to be used for driving persons unable to drive home from bars or restaurants. Councilwoman Simpson mentioned that this was an idea that was suggested and has been discussed during previous Media Business Authority meetings. The Business Authority was split on the idea and felt that perhaps the Restaurant Association should review.

John Dough forwarded an e-mail inquiring as to why the Borough continues to employ Dispatchers in lieu of utilizing Delaware County's 911 service. President Daly noted that while the Borough's Dispatchers do an excellent job and are an integral part of the Police Department, he believes there may come a time in the future when the Borough will need to consider moving this service to the County. President Daly does not believe it will be in 2007, however, Council has not formally reviewed the 2007 budget as of yet.

Jack Doyle sent an e-mail asking if businesses are required to recycle. Councilman Alyanakian noted that the Environmental Advisory Council has conducted a recycling study and have identified businesses that are interested in banning together to recycle.

An e-mail was received from Jason Miller expressing his concerns with the Hampton Inn proposal and his opposition to the application.

Mary Ferrell sent an e-mail inquiring why the taxes on her new construction home are more than what other individuals are paying. President Daly noted that approximately eighty (80%) percent of your total tax bill goes to the Rose Tree Media School District. The remainder of the amount goes to Delaware County, with a small percentage going to the Borough of Media. Please keep in mind that the Borough's millage rate is 1.0, which equals \$100 on each \$100,000 of assessment. The assessment of a property is handled by the County of Delaware. President Daly suggested that Ms. Ferrell consider pursuing an appeal through the Delaware County Board of Assessment Appeals.

Sei Drake forwarded an e-mail inquiring if Council members were comfortable allowing the prior owner of the Raven Motel to build and run another hotel in Media. President Daly responded that this question was answered previously during the meeting.

Sei Drake forwarded an additional e-mail inquiring why Kitty McFarland, member of the Zoning Hearing Board, is attending the Council meeting. It is Mr. Drake's belief that Zoning Hearing Board members should not have prior contact about items coming before them during future meetings. President Daly responded that Zoning Hearing Board members do not live in a vacuum and they are entrusted to use their best judgment when voting on zoning matters.

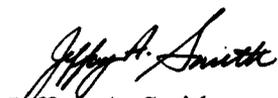
Hans Fremuth, 102 Pennock Place, asked the status of the proposed farmers market. Vice-President Hall responded that this idea is still being explored. Traffic issues are being discussed as well as the impact on existing produce vendors.

Treasurer Dimond reminded everyone to come out and vote on Election Day, November 7, 2006.

Adjournment

Vice-President Hall motioned to adjourn the meeting at 11:15 p.m. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Respectfully submitted,



Jeffrey A. Smith
Borough Manager/Secretary