

**MINUTES
BOROUGH COUNCIL MEETING
JANUARY 17, 2008**

The Media Borough Council met in Council Chambers on the above date with the following officials present: Mayor McMahon, President Daly, Councilpersons Alyanakian, Williamson, Derrickson, Simpson and Cunningham. Also present were Borough Manager Smith, Treasurer Deitch, Solicitor Scott and Engineer Walton. Vice-President Hall was 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 noted that Vice-President Hall is absent from this evening's meeting due to a work obligation.

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 meeting.

Approval of the Minutes

Councilman Williamson made a motion to adopt the minutes from the December 20, 2007 Public Hearing, December 20, 2007 Council meeting, January 7, 2008 Recessed meeting of December 20, 2007 and January 7, 2008 Council Reorganization meeting. Councilman Derrickson seconded the motion. Councilman Cunningham requested a revision to the Reorganization meeting minutes in order to correct the spelling of Steve Papi's last name. The motion carried unanimously with the revision to the Reorganization meeting minutes.

Committee Assignments

President Daly mentioned a revision to the committee assignments as previously outlined at the Reorganization meeting in order to add Pete Alyanakian as the liaison to the Fire Company in lieu of James Cunningham. Councilwoman Simpson made a motion to accept the revisions to the committee assignments as outlined. Councilman Williamson seconded the motion. The motion carried 5-1, with James Cunningham casting the dissenting vote.

Public Comment & Privilege of the Floor

Christy Dick, 113 Pennock Place, inquired about the Hampton Inn & Suites hotel application and requested a copy of the letter from the attorney granting an extension on the application. It was determined that she will be able to receive a copy.

Christy Dick requested a copy of the Planning Commission minutes from the January 2008 meeting. It was determined that she will be permitted to receive a copy of the draft minutes as they have not been approved as of yet.

Christy Dick mentioned an opinion letter from the town planner regarding the Hampton Inn & Suites hotel application and inquired if it is customary for him to review incomplete plans. Councilman Williamson mentioned that the Borough asked the town planner to review due to the fact that this is a major development. Ms. Dick asked to receive a copy of the review letter. It was determined that she will be able to receive a copy. Ms Dick inquired when the deadline is for the applicant to file preliminary plans for the hotel application. Borough Manager Smith responded that the deadline is two (2) weeks prior to the Planning Commission meeting date. Councilman Cunningham mentioned that he believes the town planner should submit his review of the application when the Borough is in receipt of a complete plan and not before such time.

Letitia Jeavons, 216 N. Monroe Street, commented that many votes were not unanimous during the January 7, 2008 Reorganization meeting and wondered if this will be the case in the future.

Mayor's Report – Mayor McMahon

Mayor McMahon reported the Police Department received and investigated 842 complaints during the month of December. There were no reported burglaries during the month of December.

Mayor McMahon reported the Police Department handled a total of 10,657 complaints during 2007.

Mayor McMahon read Proclamation #2008-01 in support of the International Fair Trade Conference on January 25 & 26, 2008 in Brussels, Belgium, which will be attended by Tom Hibberd and Stephanie Gaboriault.

Council Committee Reports

Shade Tree Commission & Historic Preservation – Mr. Cunningham

Councilman Cunningham reiterated his concerns that he expressed earlier at the Workshop meeting regarding the lack of inclusion of the Shade Tree Commission in the land development review process. Councilman Cunningham believes this is a good way to add to the Borough's stock of trees.

Councilman Cunningham would like to conduct a meeting with members of the Historic Architectural Review Board in order to take steps in reinforcing historical districts. Borough Manager Smith will follow-up on this request.

Recreation, Technology & Media Business Authority – Mrs. Simpson

Councilwoman Simpson announced the following for the Recreation Board:

- The Recreation Board will make monetary contributions to the Media Fellowship House, Media-Upper Providence Library, Media Police Association and Media Fire Company as a result of the Five Mile Run. These donation checks will be mailed to the organizations.

- A Family Dance will be held on Saturday, January 19, 2008 from 6:00-9:00 p.m. in the Community Center. Tickets are \$2.00 for children and \$5.00 for adults.
- An Adult Dance will be held on Saturday, February 23, 2008 from 8:00 p.m.-midnight.
- The Borough is in receipt of a PECO Green Grant in the amount of \$10,000 for enhancements to Houtman and Philip Green Parks.

Councilwoman Simpson made a motion to award the landscape architect/park consulting services proposal to DePallo Design & Planning. Councilman Williamson seconded the motion. The motion carried unanimously. Councilman Alyanakian inquired about the process for selecting DePallo and the criteria. Councilwoman Simpson responded that a team of Borough Officials including the Borough Manager, Public Works Director, President of the Recreation Board, Recreation Office Manager and Grants Administrator met to discuss the proposals taking into consideration their references, attention to detail and pricing. Councilman Alyanakian inquired about the overall objective of accepting the proposal. Councilwoman Simpson responded that the overall objective is to enhance the parks and look at possible uses. Councilman Alyanakian inquired if the parks can be made handicapped accessible. Councilman Simpson responded that they could be made handicapped accessible. Councilman Cunningham inquired if they will remain passive parks. Councilwoman Simpson responded that they will be retained as passive parks and the Borough will work in conjunction with Upper Providence Township.

Councilwoman Simpson noted the Recreation Board had a reorganization meeting and elected Jon Nelson as their new President. Art Brown was elected Vice-President of the Board.

Councilwoman Simpson mentioned that planning is underway for this year's Five Mile Run, which will be held in June.

To follow-up on the proclamation read by Mayor McMahon earlier in the meeting, Councilwoman Simpson noted that Tom Hibberd, member of the Media Business Authority, and Stephanie Gaboriault will attend the International Fair Trade Conference in Brussels, Belgium, and also visit the Borough's Fair Trade sister city, Garstang, England.

Councilwoman Simpson reminded everyone they can access information about events in Media by visiting www.visitmediapa.org.

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

President Daly noted that Vice-President Hall is absent from this evening's meeting, therefore the American Heart Association request for flags along State Street will be deferred until next month.

Councilman Cunningham inquired about the status of a request submitted to Vice-President Hall from residents for the installation of trash receptacles along the 100 block of E. Front Street. Borough Manager Smith will research the status of this request.

Councilman Cunningham mentioned that the Media Theatre is in the process of having roof work completed on their building and inquired if a dumpster within Gayley Street parking lot can be moved as it is not easy for vehicles to maneuver in the lot. President Daly responded that it can be moved. The Code Enforcement Department will follow-up on this request.

Councilman Cunningham mentioned the recent Lincoln/Vernon Street development and the fact that trees along this property appear to have been clear-cut. Councilman Cunningham inquired what steps the Borough will take with the developer on this matter. Engineer Walton noted that he itemized the problem during a meeting this morning. The developer agreed to sediment protection, to build a construction entrance, to install a silt fence along the Vernon Street side of the property and to provide retention control at the bottom of the hill. The attorney for the developer, Jim Buckler, mentioned that his client has agreed to the items as outlined by Engineer Walton. President Daly asked Borough Manager Smith to check with the Code Enforcement Director regarding the trees on this property. Councilman Cunningham inquired if there is something the Borough should be doing on this matter that is not being done. It was determined that is an item of discussion for the Community Development Committee. Mr. Buckler noted that no trees his client agreed to keep were taken down.

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	\$1,031,564.13
Recreation Fund	\$ 3,192.32
Liquid Fuels Fund	\$ 0.00
Capital Fund	<u>\$ 18,121.12</u>
Total	\$1,052,877.57

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

Councilman Alyanakian inquired if there has been any resolution on the approximate \$9,000 balance owed by the Veterans Museum for the doors at the Armory. Councilman Alyanakian mentioned that he is prepared to make a motion to forgive this balance. As the Chairman of the Veterans Museum, Mayor McMahon mentioned that the doors at the Armory needed to be replaced in order to be able to bring vehicles into the building. Mayor McMahon noted that he is attempting to obtain debt forgiveness from the State for the annual \$17,000 purchase payment, which is due in April. Councilman Alyanakian noted his belief that the Veterans Museum is an asset to the community and made a motion to forgive the approximate \$9,000 owed by the Veterans Museum. Councilman Cunningham inquired if the doors were covered in the contract. Borough Manager Smith noted that the new doors at the Armory were part of a change order approved by Borough Council. The motion to forgive the debt died for a lack of a second.

Community Development – Mr. Williamson

Councilman Williamson announced a vacancy on the Zoning Hearing Board due to the fact that Willis Glenn did not wish to be reappointed. Councilman Cunningham mentioned that Tina Mason would be an excellent replacement for Mr. Glenn on the Zoning Hearing Board. It was determined that Ms. Mason serves on the Planning Commission and could not serve in dual roles. At that time, Ms. Mason e-mailed the “questions” account and noted that she would be willing to resign from her position on the Planning Commission if appointed to the Zoning Hearing Board. Councilman Cunningham made a motion to appoint Tina Mason to the Zoning Hearing Board subject to her submitting a letter of interest. Councilman Alyanakian seconded the motion. Borough Manager Smith took roll call on the vote. The motion was defeated 4-2, with President Daly, Councilwoman Simpson and Councilmen Derrickson and Williamson casting the majority votes. Councilman Williamson mentioned that there was no problem with either of the two (2) applicants for the vacancy, but that he believes the Zoning Hearing Board would like to wait until more applicants have expressed interest. Councilman Cunningham noted that the appointment of the Treasurer was handled swiftly and can not understand why this appointment is not being handled in the same manner. President Daly responded that the appointment of the Treasurer was a required item during the January 7, 2008 Reorganization meeting.

Councilman Williamson mentioned a Preliminary/Final Subdivision & Land Development Application for 306 E. Baltimore Avenue. Councilman Williamson read a list of conditions for approval of this application as follows:

- The applicant shall provide a mechanism acceptable to the Borough Engineer for insuring safety of pedestrians crossing Worrall Street between office/retail structure and the parking garage.
- The applicant shall provide to the Borough Engineer a copy of the trip generation study and the traffic impact analysis.
- Prior to consideration of final approval, the applicant shall submit for review by the Planning Commission and Borough Council elevations that depict the proposed architecture of the Franklin Street façade of the parking garage.
- That Worrall Street is designated as a one-way street with the one-way traffic eastbound.
- That the applicant seek a waiver from Borough Council on the TND Ordinance, Section LD3, Deck Parking Garage, sub-section LD3.2 that states that deck parking shall have first floor retail stores as liner shops.
- That the decision of the Zoning Hearing Board, at its January 3, 2008 meeting, be placed upon the final plan.
- That the applicant address to the satisfaction of Borough Council the manner in which the plan complies with the TND Ordinance, Section LD4, Building Design, sub-section LD4.5, which states “provide recesses or projections to buildings, one to four feet, whenever the building exceeds 18 feet in width.
- That a landscaping plan satisfactory to the Borough Council be required prior to final land development/subdivision approval.
- That a lighting plan satisfactory to the Borough Council be required prior to final land development/subdivision approval.
- That a stormwater management plan satisfactory to the Borough Engineer and Borough Council be required for the issuance of a building permit.

- That an internal (i.e. within the parking garage) traffic circulation plan satisfactory to the Borough Council be required prior to final land development/subdivision approval.
- That a neighborhood traffic flow plan satisfactory to the Borough Engineer and Borough Council be required prior to final land development/subdivision approval.
- That the applicant address to the satisfaction of the Borough Engineer and Borough Council the review comments of the Borough Engineer dated December 27, 2007.
- That the acquisition of a Pennsylvania Department of Environmental Protection sewer-planning module be a requirement upon the final plan for issuance of a building permit.
- That the acquisition of a Pennsylvania Department of Transportation highway occupancy permit be a requirement upon the final plan for issuance of a building permit.
- That the applicant shall assume responsibility for paving/plowing of Worrall Street.

In anticipation of all of the above referenced conditions being met, Councilman Williamson made a motion to approve the Preliminary Subdivision & Land Development Application for 306 E. Baltimore Avenue. Councilwoman Simpson seconded the motion. Councilman Cunningham noted that he intends to oppose this motion as he does not feel the plan is in keeping with the Traditional Neighborhood Ordinance (Overlay District). Councilman Cunningham also noted that believes that abandoning Worrall Street is not in the best interest of the Borough. Councilman Alyanakian echoed similar comments regarding Worrall Street. Vincent Mancini, attorney for the applicant, mentioned that his client has agreed to all of the above referenced conditions as outlined by Councilman Williamson with the exception of the last one regarding assuming the responsibility for paving/plowing of Worrall Street, which his client is not aware of as this is newly added item. Mr. Mancini would like an opportunity to discuss the costs and liability issue for assuming the responsibility of paving/plowing Worrall Street with his client. President Daly mentioned that the liability issue may be covered under the Borough's insurance. Borough Manager Smith took roll call on the vote. The motion to approve the Preliminary/Final Subdivision & Land Development Application for 306 E. Baltimore Avenue carried 3-2, which President Daly and Councilman Cunningham casting the dissenting votes. Councilman Alyanakian abstained from the vote due to the fact that he is a tenant of the applicant in another building. Councilman Cunningham noted his objection to using the applicant's name during the discussion rather than the company name.

Councilman Williamson mentioned the Preliminary Land Development Application for 415 S. Providence Road and noted that this application was previously tabled. The applicant has submitted what they believe is a Use-by-Right plan for a three (3) story hotel in lieu of the original four (4) story plan. The applicant has agreed to the suspension of the 90-day time clock until the Planning Commission is able to make the first official review of a fully complaint preliminary plan. Councilman Cunningham suggested that Borough Council not consider any plan until a clear legal directive is obtained from the Borough Solicitor on this application. Councilman Cunningham recommends the following:

- That the Borough agrees to what constitutes a proper preliminary by-right plan by indicating what must be submitted and that it be outlined in writing by the Solicitor to Borough staff, Planning Commission and Council members.
- That the Borough Solicitor attend all Planning Commission hearings on this matter and if a scheduling conflict exists, Council should appoint special counsel.
- The Borough Engineer should also attend all Planning Commission hearings on this matter as well.
- Any/all meetings on this matter have a stenographer in attendance at the Borough's expense.
- All properties within 500 feet of the parcel be notified of upcoming meetings.
- Nether Providence Township be notified of upcoming meetings.
- The applicant be required to submit a plan to Nether Providence Township.
- That the Planning Commission provide Borough Council with a formal written report on this application.

Councilman Williamson noted that he would like to hear from the Solicitor regarding any downside to Councilman Cunningham's suggestions. Solicitor Scott mentioned that he does not have any concerns and believes he would not have any scheduling conflicts with the request to attend the Planning Commission meetings on this matter.

With that said, Councilman Cunningham motioned to adopt his recommendations as outlined. Councilman Alyanakian seconded the motion. The motion carried 5-1, with President Daly casting the dissenting vote. President Daly mentioned that in the future, these items should be discussed first by the appropriate committee(s) of Council.

Councilman Williamson made a motion to approve the Minor Land Development for 42-44 E. Front Street contingent upon the recommendations of the Planning Commission and Borough Engineer. Councilwoman Simpson seconded the motion. Councilman Cunningham inquired if the motion could be amended to reflect the installation of a shade tree on the Monroe Street side of the property. Councilman Williamson responded that he was not sure if there is any room. Engineer Walton mentioned that he will ask for a shade tree from the applicant if it will fit. Councilman Williamson amended his motion to reflect that the Borough Engineer should also check the feasibility of placing a tree on the Monroe Street side of the property. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Williamson mentioned the Zoning Hearing Board Application for 311 W. Jefferson Street, which is the property next to and owned by Sterling Nursing Home. The applicant would like to turn the residence into an administrative office for the nursing home as additional room is needed. Councilman Williamson mentioned that the Zoning Hearing Board is not opposed to this application and recommends that Council not oppose provided that the applicant can provide adequate assurance that the home will always be tied to the property. Councilman Cunningham made a motion to oppose the variance due to the fact that it is his belief that the Borough has lost too many residential units. Councilman Alyanakian seconded the motion and echoed similar sentiments. Borough Manager Smith took roll call on the vote, which resulted in a 3-3 tie. Mayor McMahon will break the tie later in the meeting.

Councilman Williamson mentioned the Zoning Hearing Board Application for 508 N. Olive Street. The Zoning Hearing Board recommended that Council not oppose this application, which seeks multiple variances in order to rehabilitate a single-family home. Michael Trio, land planning consultant, mentioned that the variances will be for the expansion of non-conforming use, to increase the gross square footage by more than 50% and for the parking requirement. President Daly mentioned that he will not vote on this application due to the fact that his office has represented the seller. Councilwoman Simpson noted that she believes this will be an improvement to the neighborhood. Councilman Cunningham made a motion to oppose this application due to the fact that it is not in the best interest in the neighborhood and it is his belief the Borough is losing affordable housing. Councilman Alyanakian noted that he will abstain from the vote. The motion died due to the lack of a second.

Councilman Williamson mentioned the Zoning Hearing Board Application for 16 W. Front Street. The applicant wishes to establish a wedding cake business. Kristen Peri, operator of the business, mentioned that she will not have any employees, there will be no walk-in traffic as she will meet with clients by appointment only. There will be baking on premises. The Planning Commission recommended opposing this application due to the fact that they did not want commercial uses to enter into the Office District and because the applicant has sufficient opportunities for properties in other districts that may be better suited for this business. Councilman Williamson noted that the Zoning Hearing Board felt granting this would set a precedent. Councilman Williamson made a motion to oppose the Zoning Hearing Board Application for 16 W. Front Street. Councilman Derrickson seconded the motion. Councilman Cunningham mentioned that he will not support the motion due to the fact that this is not a common retail business, but a specialty bakery. Councilman Alyanakian noted that this would have minimal impact on the Office District. Councilman Williamson inquired if this was granted, could it be limited to that use only. Solicitor Scott responded that he does not believe this will entitle future use of the property for any retail, but permit a bakery only. Councilman Williamson inquired if the hours could be limited. Solicitor Scott responded yes and that zoning should always be minimum relief. Councilman Derrickson raised concerns with regard to it being a fire hazard. Councilman Alyanakian inquired about the type of oven, which will be used for this business. Ms. Peri responded that there will be a professional oven and noted that there is already a regular oven in this location. Borough Manager Smith took roll call on the motion to oppose the Zoning Hearing Board Application for 16 W. Front Street. The motion was defeated 4-2, with Councilwoman Simpson and Councilmen Cunningham, Derrickson and Alyanakian casting the majority votes.

With regard to the motion to oppose the Zoning Hearing Board Application for 311 W. Jefferson, which was a 3-3 tie earlier in Councilman Williamson's report; Mayor McMahon noted that he will vote in favor of opposing. Therefore, the motion to oppose this application carries 4-3, with Mayor McMahon, Councilwoman Simpson and Councilmen Cunningham and Alyanakian casting the majority votes.

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

Fire Chief Ed Gibson thanked Council for their continued support of the Media Fire Company and mentioned the end of the year report. The fire company responded to over 300 fire calls in 2007 and the ambulance responded to 1,758 calls. Media Fire Company added four (4) new Emergency Medical Technicians in 2007 and was able to purchase upgraded equipment. Chief Gibson noted that the fire company is looking for volunteers and meets every Tuesday evening. Please call the firehouse for more information.

Councilman Derrickson mentioned parking modifications along W. Jefferson Street in order to alleviate a parking crunch that appears to be happening in this area.

Councilman Derrickson reported that the one-way street request on Manchester Avenue is temporarily on hold due to the fact that the Borough is awaiting plans for development of an apartment complex along the 300 block of E. State Street. Councilman Derrickson noted that the residents requesting the one-way street on Manchester Avenue are willing to wait until the Borough is in receipt of the plans so that anticipated traffic flow from this development can be considered. Councilman Alyanakian suggested that Council move forward with making a decision on this request. Engineer Walton noted that Borough must consider other surrounding streets when considering the anticipated traffic flow issues and recommends waiting until the plans are in for the development along this block. Councilman Derrickson will keep Council posted.

Councilman Derrickson reported that the Highway Department did a good job taking care of the roadways during the last snowstorm.

Councilman Derrickson noted that he is working with Jim Jeffery, Emergency Management Coordinator, on the recommendations that the County of Delaware provided the Borough as a result of the Emergency Management Tabletop Exercise meetings.

The Media Fellowship House will host a march on Sunday, January 20, 2008 at 1:45 p.m. in honor of Martin Luther King, Jr. Day.

The NAACP will host their annual fundraiser event on Monday, March 3, 2008, 12:00 p.m. (noon) at the Towne House. Cost is \$40.

Councilman Cunningham inquired about parking enforcement on Saturdays. Councilman Derrickson noted that Saturday parking enforcement was to begin as of January 1, 2008. Councilman Cunningham believes this to be a detriment to the community and encourages suspension of enforcement on Saturdays as well as the enforcement on the weekdays until 6:00 p.m. for the purpose of increasing revenue. President Daly noted that as the Chair of the Parking Committee, enforcement on Saturdays has not happened as of yet and that he agrees that perhaps this should not take place and would like the Public Safety Committee to revisit this item. Councilman Alyanakian noted that the enforcement hours are confusing to businesses and thinks the Borough is becoming more like Philadelphia with regard to parking fees, fines, etc. Councilman Alyanakian mentioned that larger labels on the parking meters would be helpful.

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

Councilman Alyanakian respectfully requested to be removed as the liaison to the Health Board as he feels this creates a conflict due to his business that is located in the Borough. President Daly agreed and will remove him as the liaison.

Public Comment & Privilege of the Floor

Councilman Cunningham congratulated Walter Strine, Sr. on his 99th birthday.

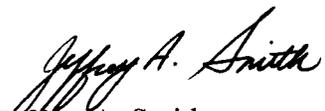
Letitia Jeavons, 216 N. Monroe Street, inquired about the length of Worrall Street that was mentioned in the 306 E. Baltimore Avenue application. It was determined that Worrall Street stretches from Providence Road to Radnor Street and the Borough considered abandoning the one (1) block area (Manchester Avenue to Radnor Street) for the 306 E. Baltimore Avenue land development application.

President Daly thanked David Brown, Comcast Production Technician, for his services over the years.

Adjournment

Councilman Cunningham motioned to adjourn the meeting at 10:50 p.m. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Respectfully submitted,


Jeffrey A. Smith
Borough Manager/Secretary



MEDIA BOROUGH COUNCIL
ABSTAIN FROM VOTE

COUNCIL MEMBER: Pete Alyanalkian

DATE OF MEETING: 1/17/08

MOTION ON THE TABLE (Please describe): Preliminary/Final
Subdivision & Land Development - 306 E
Baltimore Avenue.

REASON FOR ABSTAINING: _____

Tenant of Applicant

SIGNATURE: _____

Pete Alyanalkian
Council Member

SIGNATURE: _____

Jeffrey A. Smith
Borough Manager