

**MINUTES
BOROUGH COUNCIL MEETING
JULY 15, 2010**

Media Borough Council met in Council Chambers on the above date with the following officials present: Mayor McMahon, President Williamson, Vice-President Simpson, Councilwomen Rehoric and Roe, Councilmen Cunningham and Alyanakian. Also present were Borough Manager Smith, Treasurer Deitch, Solicitor Scott and Engineer Walton. Councilman Stein was absent from the meeting.

President Williamson called the meeting to order at 7:30 p.m. and led the salute to the flag.

Approval of the Minutes

Councilwoman Roe made a motion to adopt the June 3, 2010 Workshop meeting minutes. Councilwoman Rehoric seconded the motion. The motion carried unanimously.

Vice-President Simpson made a motion to adopt the June 17, 2010 Council meeting minutes. Councilwoman Rehoric seconded the motion. The motion carried unanimously.

Public Comment and Privilege of the Floor

Angela Davis, Taylor Street, inquired about variances needed to have a deck built on her property. President Williamson responded that Ms. Davis should contact Code Enforcement Director, Jim Jeffery, for further information on required variances.

Solicitor's Report

Solicitor Scott referenced an article in the Delaware County Daily Times regarding the Delaware County SPCA's announcement that they will no longer accept municipal animals as of June 2011. Solicitor Scott mentioned that municipalities will need to look into a new process for animal control. Solicitor Scott mentioned that the Delaware County Consortium of Governments (COG) has started to look into this issue.

Mayor's Report – Mayor McMahon

Mayor McMahon reported that the police department received and investigated 860 complaints during the month of June.

Mayor McMahon reported that there was one (1) reported burglary during the month of June along the unit block of W. Baltimore Avenue.

Mayor McMahon mentioned that the police department performed 53 traffic details during the month of June.

Mayor McMahon mentioned that the police department is in need of part-time turnkeys and part-time fill-in crossing guards.

Mayor McMahon mentioned that an armed robbery took place at the Sunoco A+ Station on July 4, 2010.

Mayor McMahon mentioned that juveniles are to blame for recent vehicle break-ins in the vicinity of Monroe Street and Edgmont Street and urged everyone to lock their vehicles at all times.

Mayor McMahon mentioned that June is the 60th anniversary of the beginning of the Korean War. When the Korean War Exhibit opened last year at the Pennsylvania Veterans Museum, it was determined that there are many Korean War veterans in Delaware County. Mayor McMahon mentioned that there is a new film on the Military Channel regarding the Korean War and Media's group of veterans is putting together another film on this topic.

Councilman Cunningham inquired if the juveniles blamed for the vehicle break-ins were also to blame for the recent theft of power tools in this area. Mayor McMahon mentioned that he spoke with Chief Wusinich on this matter and it is unknown at this time.

Councilman Cunningham commended the police department on the recent intersection patrols. Councilman Cunningham suggested that the police department include the Jefferson & Church Street and Jefferson & Monroe Street intersections going forward.

Council Committee Reports

Infrastructure, Code Enforcement, Health & Historic Architectural Review Board - Mr. Cunningham

Councilman Cunningham mentioned there have been some requests from the residents of N. Monroe Street (north of 6th Street) for speed humps and that Engineer Walton indicated that a traffic study needs to be completed for this area if Council would like to move forward. Councilman Cunningham suggested that the area of Jefferson Street at Jackson, Monroe and Church Streets be included in a study for speed humps as well.

Councilman Cunningham mentioned that a trash truck is currently out of service and is in need of repair work in the amount of \$4,900. Councilman Cunningham recommends that Council approve the expenditure. President Williamson mentioned that a motion is not necessary since the Finance Committee and Council approved the expenditure previously and the funds are in the budget.

Councilman Cunningham made a motion to approve the 2010 road resurfacing program, which includes the first two (2) pages of the street listing submitted by the Borough Engineer (\$209,000) along with three (3) additional areas recommended by the Borough Engineer to include Mellon Street and two (2) intersections. Councilman Cunningham mentioned that this will total just under \$240,000. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Media Business Authority, Environmental Advisory Council & Recycling - Dr. Stein

In Councilman Stein's absence, Vice-President Simpson made a motion to regretfully accept the resignation of John Vizzarri from the Media Business Authority. Mr. Vizzarri's term will expire on December 31, 2011. Councilwoman Rehoric seconded the motion. The motion carried unanimously.

Properties, Personnel, Technology, Fire & Emergency Management - Mrs. Simpson

Vice-President Simpson provided an update on the status of 1 W. State Street, indicating that no bids were received on June 1, 2010 for the sale of the property. The Borough is attempting to clear some equipment from inside the property and obtain a second round of cleaning in the building.

Vice-President Simpson mentioned that Spirit Media Group has requested to place an honor box in the Borough. With that said, Vice-President Simpson made a motion to approve the proposed newsrack agreement between the Borough and Spirit Media Group. Councilwoman Roe seconded the motion. The motion carried unanimously.

Community Design, Finance & Sanitation - Mr. Williamson

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

General Fund	\$ 227,867.79
Recreation Fund	\$ 3,393.42
Liquid Fuels Fund	\$ 0
Capital Fund	\$ 18,229.00
Total	\$ 249,490.21

President Williamson motioned that bills be paid when properly approved for all funds. Vice-President Simpson seconded the motion. Councilman Cunningham inquired if any invoices were included with the bills for CMAQ or the Third Street Bridge projects. Treasurer Deitch responded there was one (1) legal invoice in the amount \$600 for the Third Street Bridge. The motion carried 5-1, with Councilman Cunningham casting the dissenting vote.

President Williamson mentioned that the Borough has obtained new legal counsel on the Third Street Bridge project. With that said, President Williamson made a motion to ratify the engagement letter with Lamb McErlane of West Chester, specifically Guy Donatelli, pertaining to legal services for the Third Street Bridge. Vice-President Simpson seconded the motion. Councilman Cunningham offered a word of caution to Borough Council by mentioning that if the intention of this process is to butt heads with the County as the Borough has been doing for years, then it is his belief that it is a waste of money. Councilman Cunningham mentioned that if the intention of hiring new legal counsel is a way to negotiate out of the lawsuits that have been filed by the Borough and County against each other, then he sees some wisdom and progress on the matter. President Williamson mentioned that he and Councilwoman Rehoric recently had a meeting with Senator Pileggi on this matter.

President Williamson made a motion to approve the license agreement for 38 W. State Street in order to add a platform over the sidewalk. President Williamson mentioned that the Community Design Committee reviewed this request and has recommended approval. Councilwoman Rehoric seconded the motion. The motion carried unanimously.

President Williamson made a motion to adopt Resolution #2010-07, amending the fee schedule to assess a fee for zoning permits in the amount of \$25.00. Solicitor Scott mentioned that a zoning permit is required when a property owner is proposing a change of use, etc. Councilman Cunningham seconded the motion. The motion carried unanimously.

President Williamson referenced a Zoning Ordinance amendment to provide the creation of a new "Light Retail-Office-Apartment Overlay Zoning District." Solicitor Scott mentioned that this ordinance needs to be finalized prior to Council's adoption and that he will attend the next Community Design Committee to discuss this matter. Councilman Cunningham inquired if adding flexibility to the Zoning Code with regard to impervious coverage could also be included on the next Community Design Committee agenda. President Williamson responded that it will be added to the next Community Design Committee agenda.

President Williamson mentioned that the Finance Committee met on Tuesday evening with the auditors. President Williamson mentioned the auditors' recommendation to begin showing post retirement medical benefits within the Borough's financial statements in order to show the accrual of costs going forward.

President Williamson mentioned that the 2010 budget is slightly ahead in revenue and slightly behind in expenses. It is anticipated that Council will vote on the mid-year budget update in August.

Police, Public Safety & Media Arts Council - Mrs. Roe

Councilwoman Roe congratulated Ellen Cooper for winning second place in the 2010 Portrait Society of America International Competition.

Councilwoman Roe mentioned that Media Arts Council's recent summer solstice party and Bastille Day celebration were very successful events.

Councilwoman Roe made a motion to approve a Mass Gathering Permit Application for Media Business Authority's 8th annual Jazz by Night Celebration to be held on Saturday, October 16, 2010. Vice-President Simpson seconded the motion. The motion carried unanimously. Councilman Cunningham expressed concerns from the merchants regarding open containers on the street and inquired if the police department will have additional walking patrols. Councilwoman Roe mentioned that the police department is aware and believes this will not be an issue.

Councilwoman Roe made a motion to approve the Mass Gathering Permit Application for Town Talk Newspapers' Halloween Parade to be held on Saturday, October 30, 2010. Vice-President Simpson seconded the motion. The motion carried unanimously.

With regard to the stop sign request at Third and Lemon Streets, Councilwoman Roe mentioned that this matter will be deferred until next month, as the engineer is taking additional traffic counts to determine if it warrants a three (3) or four (4) way stop. Councilwoman Rehoric inquired about the use of speed humps to deter vehicles from speeding in this area. Solicitor Scott mentioned his belief that PennDOT frowns upon the installation of speed humps. Engineer Walton mentioned that in order to move forward with speed humps, the Borough would need 85% of resident approval on the street in question and the adjacent streets.

Health, Historic Archives Commission, Historic Society & Fair Trade Committee - Mrs. Rehoric

Councilwoman Rehoric mentioned that the Fair Trade Committee presented prizes to the photo contest winners during the Bastille Day celebration. The committee continues to educate people on Fair Trade.

Special Projects, Recreation, Parking & Library - Mr. Alyanakian

Councilman Alyanakian mentioned that there are 41 children currently enrolled in the summer camp program, which is bouncing back after declining enrollment during previous years.

Councilman Alyanakian made a motion to adopt Ordinance No. 1074, amendments to the Residential Parking Ordinance, as follows: add residential parking along the 200 block of N. Lemon Street, add residential parking spaces along the 300 block of Amber Street and add residential parking spaces on the south side of the unit block of W. Fourth Street. Councilwoman Roe seconded the motion. Councilman Cunningham expressed his concern with using the terminology “designated parking spaces” because a resident may believe that the parking space is there for their own use at all times, which is not the case. Councilman Cunningham mentioned his belief that the handicapped parking space being eliminated on the 200 block of N. Lemon Street cannot be turned into a residential parking space. Borough Manager Smith mentioned that the handicapped parking space in question will be replaced with an “X” for better sight distance. Borough Manager Smith mentioned that another space along this block has been included in the proposed Parking Ordinance before Council. Councilman Alyanakian amended his original motion to reflect the suggestion of Councilman Cunningham regarding the handicapped parking space. The motion to adopt Ordinance No. 1074, amendments to the Residential Parking Ordinance, carried unanimously.

Councilman Alyanakian made a motion to accept a proposal from Advanced Enviro Systems for trash receptacles in the amount of \$20,000. Vice-President Simpson seconded the motion. The cost is covered by a state grant through Representative Killion’s office. The motion carried unanimously.

Councilman Cunningham inquired about the pedestrian bridge in Houtman Park. Councilman Alyanakian responded that much analysis is needed on this matter (i.e. environmental study, etc.) prior to any decision being rendered.

Councilman Cunningham inquired about the removal of a parking space in front of John’s Grille for sight distance. Councilman Alyanakian responded that the Parking Committee has not reviewed this request as of yet.

New Business

Councilman Cunningham made a motion to nominate Councilman Alyanakian as Council President. Councilman Alyanakian seconded the motion. Vice-President Simpson inquired if this is something that can generally be done between elections. Solicitor Scott responded that it is a decision of Borough Council and can be done at any time. President Williamson mentioned that Council is within their rights to do so, but requested an explanation. Councilman Cunningham mentioned that Councilman Alyanakian has a statement regarding this matter. Councilman Alyanakian mentioned that he prefers to read his statement after a vote has been taken. Vice-President Simpson inquired as to why this matter is being brought up while one (1) Council member is absent from the meeting and with no previous discussion during the Workshop meeting. Mayor McMahon expressed his concern on the motion made and indicated that this is the first he is hearing about this matter. Borough Manager Smith took roll call on the vote. The motion to elect Councilman Alyanakian as President of Council carried 4-2, with President Williamson and Vice-President Simpson casting the dissenting votes. At this point, Councilman Alyanakian assumed the position of Council President. President Alyanakian read a statement concerning bi-partisanship and his new role on Borough Council. Vice-President Simpson expressed her belief that items accomplished this year have been overlooked in President Alyanakian's statement and expressed her concern with his attendance at meetings. President Alyanakian responded that he will take his new role very seriously. Vice-President Simpson expressed her concern about President Alyanakian's ability to lead. Councilman Williamson mentioned his surprise by the method taken this evening to elect a new Council President and expressed disappointment that concerns weren't discussed with him previously. Councilman Williamson mentioned that he accepts and looks forward to serving in his new capacity. Mayor McMahon mentioned that while he agrees with President Alyanakian on a number of issues, he is surprised and disappointed by how this matter was presented this evening.

Councilman Cunningham made a motion to nominate Councilwoman Rehoric as Council Vice-President. President Alyanakian seconded the motion. Borough Manager Smith took roll call on the vote. The motion carried 4-2, with Councilman Williamson and Vice-President Simpson casting the dissenting votes. At this point, Councilwoman Rehoric assumed the position of Council Vice-President.

Public Comment & Privilege of the Floor

Jane Rowland, E. Second Street, mentioned cracks in the streets along Haldeman, Second and Third Streets. Councilman Cunningham mentioned that the Borough is aware and will require additional time to address this matter.

Jane Rowland inquired about the status of the Hampton Inn application. Councilman Cunningham mentioned that the applicant required additional time on this matter for discussions with Nether Providence Township and to discuss parking issues.

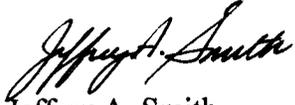
Jane Rowland inquired about the status of the restaurant that moved out of the old Borough Hall. Councilman Williamson mentioned that this matter is still in litigation.

Adjournment

President Alyanakian mentioned that Council will adjourn to Executive Session in order to discuss a property matter.

Councilman Cunningham motioned to adjourn the meeting at 8:44 p.m. Vice-President Rehoric seconded the motion. The motion carried unanimously.

Respectfully submitted,



Jeffrey A. Smith
Borough Manager/Secretary