

**MINUTES  
BOROUGH COUNCIL MEETING  
JULY 16, 2009**

Media Borough Council met in Council Chambers on the above date with the following officials present: Mayor McMahon, Vice-President Hall, Councilpersons Cunningham, Simpson and Derrickson. Also present were Borough Manager Smith, Treasurer Deitch, Solicitor Ewald and Engineer Walton. President Daly and Councilpersons Williamson and Alyanakian were absent from the meeting.

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

**Approval of the Minutes**

Councilwoman Simpson made a motion to adopt the June 11, 2009 Special Meeting minutes. Councilman Cunningham seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to adopt the June 18, 2009 Public Hearing minutes. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Cunningham made a motion to adopt the June 18, 2009 Council Meeting minutes. Councilwoman Simpson seconded the motion. The motion carried unanimously.

**Public Comment & Privilege of the Floor**

Jo Anne Schultze, Executive Director of the Pennsylvania Veterans Museum, mentioned that she is back this month regarding the museum's sign request at 12 E. State Street. Pictures of the proposed sign were distributed to Council members. It was determined that the proposed sign frame is six (6) feet nine (9) inches. The sign itself is four (4) feet off the ground. The Pennsylvania Veterans Museum would prefer that the orientation of the sign be parallel with State Street, as a perpendicular sign would double in cost. The museum agreed to reduce the size of the actual sign so that it fits within 12 square feet.

**Engineer's Report**

Councilman Cunningham inquired about the status of the crosswalk repairs along State Street. Engineer Walton responded that these repairs have been incorporated into the ordinary street maintenance bid specifications.

**Mayor's Report** – Mayor McMahon

Mayor McMahon reported that the Police Department received and investigated 832 complaints during the month of June. There were no reported burglaries for the month of June.

Mayor McMahon mentioned that it is the intention of the Pennsylvania Veterans Museum to have their sign ready for the Korean War Exhibit, which will open on July 25 and 26, 2009.

Councilman Cunningham inquired about traffic enforcement along various intersections as discussed previously. Mayor McMahon responded that he will obtain an update from the police chief.

Councilman Cunningham discussed the police overtime budget, which is currently at approximately \$70,000 of the \$100,000 budgeted amount. Councilman Cunningham mentioned his belief in the need to track part-time police officer time as well. Councilman Cunningham believes that the hiring of the part-time officers is not reducing the full-time officer budget. Councilman Cunningham mentioned the need to track how money is being spent. Mayor McMahon mentioned his belief that the problem appears to be with the dispatcher matter. Mayor McMahon noted that the Borough has a good working relationship with District Court and that the Borough is doing its best to control overtime spending.

### **Council Committee Reports**

#### **Community Development** – Mr. Williamson

As landlord of the building, Councilwoman Simpson made a motion to approve the Pennsylvania Veterans Museum sign request at 12 E. State Street parallel to State Street and for a total height of six (6) feet. Councilman Derrickson seconded the motion. Councilman Cunningham mentioned that he does not have a problem with the sign itself, however, he believes the sign is too large for State Street. Councilman Cunningham recommended that if approved, the sign be required to be placed as close as possible to the railing. Preferably not more than two (2) feet from the railing. Councilman Cunningham cautioned Council about the precedent this approval would set. Councilman Cunningham indicated that the Welcome to Media signs are only 25 square feet. Councilwoman Simpson amended the original motion to approve the sign request to be placed not more than two (2) feet from the railing. Councilman Derrickson accepted the amendment to the motion. The motion carried unanimously. Jo Anne Schultze, Executive Director of the Pennsylvania Veterans Museum, thanked Council and invited them to the Korean War Exhibit VIP opening on Saturday, July 25, 2009 from 4:00-7:00 p.m. Also, a ribbon cutting ceremony of this exhibit will take place and be open to the general public on Sunday, July 26, 2009 from 12:00-5:00 p.m.

Vice-President Hall made a motion to not oppose the Zoning Hearing Board Application for 319-325 West State Street for a freestanding sign with all of the business names at this location. The Planning Commission recommends that Borough Council not oppose this application. Councilwoman Simpson seconded the motion. Councilman Cunningham mentioned his belief that Council is being discriminatory against a private business on this matter due to the fact that the Pennsylvania Veterans Museum sign request did not go to the Zoning Hearing Board. Councilwoman Simpson mentioned the difference in this matter is that the Borough is the property owner of 12 E. State Street. Solicitor Ewald mentioned that the Borough had no choice but to send the sign application for 319-325 W. State Street to the Zoning Hearing Board. Borough Manager Smith mentioned the Planning Commission recommends that Council not oppose contingent upon the following: 1) the sign be reduced to seven (7) feet from the proposed eight (8) feet, 2) the individual business names be uniform in font and color, 3) the lighting be exterior gooseneck in lieu of internal illumination and 4) the landscaping be wrapped around the sign base. Vice-President Hall amended the motion as stipulated above. Councilwoman Simpson accepted the amendment to the motion. The motion carried 3-1, with Councilman Cunningham casting the dissenting vote.

Vice-President Hall deferred to Solicitor Ewald to elaborate on the Zoning Hearing Board and Subdivision Application for 220-228 N. Jackson Street. Solicitor Ewald mentioned that this property is an office building that dominates the block. There is also a single-family house on the corner, which has been converted to office space. Solicitor Ewald explained that the lot lines on these two (2) properties were not moved, which should have been done previously. The applicant would like to subdivide the property in order to sell one (1) or both properties in the future. As it stands now, there is not enough space to satisfy the side yard requirements. George Beebe, manager of this property, stated that there is no imminent sale and indicated that Code Enforcement Director Jeffery stated that this is more of a correction to the lot line.

Vice-President Hall made a motion to not oppose the Zoning Hearing Board Application for 220-228 N. Jackson Street as referenced above. Councilman Cunningham seconded the motion. The motion carried unanimously.

Vice-President Hall made a motion to approve the Subdivision Application for 220-228 N. Jackson Street for a lot line adjustment with the recommendations of the Planning Commission and Borough Engineer. Councilman Cunningham seconded the motion. The motion carried unanimously.

**Shade Tree Commission, Historic Preservation, Fire & Lighting** – Mr. Cunningham

Councilman Cunningham mentioned that residents should contact the Borough regarding dead trees, etc. so that the Shade Tree Commission can review the condition of the tree.

Councilman Cunningham mentioned that a sign has been erected at Baltimore Avenue and Veterans Square in honor of “Babe’s Way.”

Councilman Cunningham mentioned that the fire company handled 28 fire calls and 136 EMT calls during the month of June. Also, seven (7) drill and training exercises were performed during the month of June.

Councilman Cunningham mentioned that the fire company's annual fund drive is underway and asked residents to consider a contribution. Councilman Derrickson mentioned that the donation is tax deductible. An ambulance drive will be held in the fall.

As a follow-up to Councilman Cunningham's proposed amendments to the Code of Ethics, a revision has been made. Borough Manager Smith will distribute the revised proposed amendments to Borough Council for their review.

**Media Business Authority, Technology & Fair Trade Committee** – Mrs. Simpson

Councilwoman Simpson congratulated the Media Business Authority, Fair Trade Committee and Media Arts Council for a successful Second Saturday/Bastille Day/Third Anniversary of Fair Trade event.

Councilwoman Simpson made a motion to approve the Mass Gathering Permit Application for Media Business Authority's Food & Craft Festival on Sunday, October 4, 2009 from 10:00 a.m. – 5:00 p.m. Councilman Derrickson seconded the motion. Councilman Cunningham inquired about the geographical extent of the event. Borough Manager Smith responded that the event will be held on State Street from Monroe Street to the end of the trolley line. Councilman Cunningham inquired if there are any events to be held on State Street the day before the Food & Craft Festival. It was determined that no events are scheduled the day before the Food & Craft Festival. Councilman Cunningham mentioned that he would like Council to be cognizant of State Street closures for events and mentioned his belief that one (1) event scheduled is more than adequate for any given weekend. Councilwoman Simpson mentioned that the Media Business Authority takes this issue seriously. Vice-President Hall inquired if music will be played during the event. Councilwoman Simpson responded that music will be played in various locations and the Media Business Authority is conscious of starting time, ending time, etc. The motion to approve the Mass Gathering Permit Application for Media Business Authority's Food & Craft Festival on Sunday, October 4, 2009 from 10:00 a.m. – 5:00 p.m. carried unanimously.

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

Vice-President Hall congratulated the Media Arts Council on a successful Bastille Day event.

Vice-President Hall announced that the Media Arts Council is sponsoring the third annual Media Icons Photography Contest. The submission deadline is September 4, 2009 at 8:00 p.m. Please check the Media Arts Council website for more information.

With regard to health matters, Vice-President Hall mentioned that this is the height of mosquito season. To discuss any concerns, you can contact the Health Officer through the Borough office.

**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	\$ 278,926.29
Recreation Fund	\$ 3,370.07
Liquid Fuels Fund	\$ 0
Capital Fund	<u>\$ 7,534.00</u>
Total	\$ 289,830.36

Vice-President Hall motioned that bills be paid when properly approved for all funds. Councilman Simpson seconded the motion. Councilman Cunningham inquired if CMAQ and Third Street Bridge project invoices were included with the bills. Treasurer Deitch responded there is one (1) in the amount of \$4,736 for engineering fees pertaining to CMAQ and \$978 for Third Street Bridge. The motion to pay the bills carried 3-1, with Councilman Cunningham casting the dissenting vote.

Vice-President Hall made a motion to authorize the Solicitor to draft and advertise an ordinance vacating a portion of Third Street from West Street to the Borough line. Solicitor Ewald explained that this Right-of-Way travels over the surface of the land and that the Borough would be giving up ownership and control over the street. Councilwoman Simpson seconded the motion. Councilman Cunningham mentioned his belief that Council is taking the right course of action until the County of Delaware can make a financial commitment to this project. The motion to authorize the Solicitor to draft and advertise an ordinance vacating a portion of Third Street carried unanimously.

Vice-President Hall announced that an Executive Session was held last month to discuss litigation matters and property matters.

Vice-President Hall announced that an Executive Session will be held again this evening to discuss litigation matters and property matters.

**Public Safety, Highway & Emergency Management** – Mr. Derrickson

Councilman Derrickson made a motion to award the ordinary street maintenance contract, road resurfacing, etc. to A. F. Damon as per the recommendation of the Borough Engineer. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve the 2009 road-resurfacing program as submitted by the Borough Engineer. Councilman Cunningham seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for Kaos Surf Shop's Skate Jam event on July 19, 2009. Councilwoman Simpson seconded the motion. Vice-President Hall requested that the motion be amended to include approval contingent upon no use of a public address (PA) system and the amplified music be kept to a minimum. Councilman Derrickson accepted the amendment to the motion. Councilwoman Simpson seconded the amendment to the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for Town Talk Newspapers' Fall Super Sunday event on September 13, 2009 with the following conditions:

- The event shall extend from Orange Street to Monroe Street on State Street
- Town Talk shall pay for one (1) police officer
- Town Talk shall pay for one (1) event manager (Zubair Khan)
- Fire hydrants shall not be blocked
- The streets shall not be closed while individuals are setting up for the event
- Booths and tables shall stay 12" behind the white trolley line at all times
- Booths shall not be placed in the fire hydrant lanes
- No unsecured compressed air cylinders shall be permitted

Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Cunningham inquired about pedestrian stenciling along Baltimore Avenue. It was determined that this will be completed during the summer.

**Recreation, Fire, Parking, Library & Homeowners Association (HOA)** – Mr. Alyanakian

Regarding Barrall Park enhancements, Vice-President Hall mentioned that Solicitor Scott reviewed the specifications and the Pennsylvania Department of Labor & Industry has been contacted. Vice-President Hall mentioned that this may be ready in August or September for Council's consideration.

Borough Manager Smith mentioned that Councilman Alyanakian has been in touch with the County of Delaware regarding the parking study. It was determined that the Borough will re-form the Parking Committee to address matters in the parking study.

## **Public Comment & Privilege of the Floor**

Councilman Cunningham inquired about the Community Development Block Grant Application pertaining to the Third Street Bridge. Vice-President Hall mentioned that this application to the County of Delaware will increase the Borough's flexibility on the Third Street Bridge. Borough Manager Smith mentioned there are two portions of the project: design and construction. The total estimated cost (currently) of the design is \$111,300. The total estimated cost (currently) of construction is \$360,000 for a total of \$471,300. Borough Manager Smith noted that the Borough received correspondence from the state requesting that the Borough make a commitment on this project.

Councilman Cunningham mentioned that Borough Council should apply to the County of Delaware by way of resolution for \$85,000 in Community Development Block Grant funding and to allow the Council President the authority to adjust as appropriate. Vice-President Hall made a motion to authorize the adoption of Resolution #2009-06 subject to additional language seeking funding for design with adjustment by the Council President as appropriate. Councilwoman Simpson seconded the motion. The motion carried unanimously.

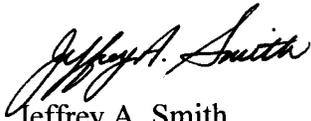
Michael Jordan, 620 N. Monroe Street, inquired if he could receive a copy of the proposed amendments to the Code of Ethics policy. Vice-President Hall responded that he is able to receive a copy of this document.

Paul Cavanagh, 24 W. 5<sup>th</sup> Street, inquired if the Third Street Bridge is a litigation matter with regard to ownership. It was determined that litigation is pending. Vice-President Hall doesn't believe that Borough Council is abandoning the project at this time. Solicitor Ewald noted that the ordinance vacating Third Street simply opens up another avenue for the Borough. Mr. Cavanagh indicated that a petition has been submitted to the Borough from individuals who would like to see the bridge open. Councilman Cunningham mentioned that it appears the Borough will not receive stimulus funding for this project. Councilwoman Simpson mentioned her belief that the fact that this project is not "shovel ready" played a big part in why the Borough did not receive stimulus funds.

## **Adjournment**

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

Respectfully submitted,



Jeffrey A. Smith  
Borough Manager/Secretary