

**MINUTES
BOROUGH COUNCIL MEETING
AUGUST 20, 2009**

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

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 adopt the July 2, 2009 Public Hearing minutes and the July 16, 2009 Council Meeting minutes. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Public Comment & Privilege of the Floor

Anthony Cavaliere, Court Appointed Special Advocates (CASA) representative, indicated that he is in attendance at this evening's meeting in order to address any questions concerning the Center for Resolutions lease addendum with CASA. Vice-President Hall inquired about the location of their current facilities. Mr. Cavaliere indicated that they are currently on West State Street in the vicinity of Baltimore Avenue. Prior to that, they were located in the vicinity of Second and N. Jackson Street. It was determined that they will continue training sessions similar in scope to what they currently have and parking should not be an issue since the sessions mainly take place during the evening hours and on weekends.

Melissa Murray Rigny, Clearwire representative, mentioned that she is in attendance at this evening's meeting in order to answer any questions concerning Clearwire's Zoning Hearing Board Application for 635 N. Monroe Street under the Community Development Committee agenda.

Engineer's Report

Engineer Walton reported on additional failures with the Third Street Bridge/Dam due to recent storms. Engineer Walton mentioned that an inspection of the Third Street Bridge/Dam is scheduled for the first week in September. Engineer Walton mentioned that there are additional cracks on the south side wall. The Code Enforcement Director is taking measurements of the bridge/dam on a weekly basis. There is no additional tree failure. The County of Delaware has taken down a problem tree and all other trees seem to be in good condition. The area along the spillway at the southwest wall (Upper Providence Township) is badly undercut. Engineer Walton suggested that Council members take a look at the condition of the Third Street Bridge/Dam. Engineer Walton reported that the fence posts are holding up the north side of the wall (Broomall's Lake).

Councilman Cunningham inquired why the Borough should allow access if the above conditions stated by the Borough Engineer are accurate. Engineer Walton indicated that the inspection by Schnabel Engineering may include the recommendation of closing the bridge to pedestrians. Councilman Cunningham suggested that Borough Council take the initiative and block the roadway and post no trespassing signs immediately. Councilman Alyanakian mentioned that he would like to see the closing of the roadway to the Broomall's entrance. Engineer Walton indicated that there is no failure on that end. Councilman Williamson mentioned his belief that it seems reasonable to wait on this matter based on Engineer Walton's report. President Daly inquired if the Borough should block the roadway. Engineer Walton responded that the Borough is monitoring it on a regular basis to determine if a significant change is taking place. If the Code Enforcement Director and Public Works Director see a significant change, Engineer Walton believes the road should be closed immediately. Engineer Walton stated that he does not feel the road should be closed until Schnabel Engineering has an opportunity to conduct their inspection. Councilman Alyanakian made a motion to close the road now and deny any pedestrian access until there is a resolution on the integrity of the bridge. Councilman Cunningham seconded the motion. Councilwoman Simpson agrees with this motion due to the impending storms. Borough Manager Smith took roll call on the vote. The motion carried 4-3, with President Daly, Vice-President Hall and Councilman Williamson casting the dissenting votes.

Councilman Cunningham inquired if the repair of the State Street crosswalks will be included with the repaving project. Engineer Walton responded that State Street crosswalk repair work is not included with phase I of the road resurfacing project.

Councilman Alyanakian inquired when the Borough will receive the approvals for the CMAQ Project. Engineer Walton responded that this project is tied to the Nether Providence Right-of-Way issue, which is in negotiations at the moment. PennDOT does not have Right-of-Way drawings for this area.

Mayor's Report – Mayor McMahan

Mayor McMahan reported that the Police Department received and investigated 787 complaints during the month of July. There were two (2) reported burglaries for the month of July, totaling 12 for the year so far.

Mayor McMahan read Proclamation #2009-07 commemorating September as Ovarian Cancer Awareness Month.

Mayor McMahan announced that the Travis Manion Foundation 9/11 Heroes Run will be held on Friday, September 11, 2009, 6:00 p.m. at Rose Tree Park.

Mayor McMahan read a press release concerning the transfer of police dispatchers to the County of Delaware 911 Center. All residents and business owners are urged to dial 911 in the event of an emergency. Mayor McMahan mentioned additional information will follow.

Councilman Cunningham inquired about the amount of burglaries in 2008. Mayor McMahan responded that there were a total of 12 in 2008.

Councilman Cunningham inquired about the amount of patrol stops at the following: State Street & N. Jackson Street, State Street & Edgmont Street and Haldeman Street. Mayor McMahon responded that he does not have any information this evening on this matter, but will report back to Council.

With regard to police overtime, Councilman Cunningham mentioned that over \$70,000 was spent for part-time officers with a budgeted amount of \$35,000. Councilman Cunningham inquired if the use of part-time police officers is being tracked. Mayor McMahon mentioned that part-time police officers are being used for dispatch coverage and to cover for full-time officers as well. Mayor McMahon mentioned that 68 hours on dispatch coverage has been expended. Mayor McMahon will discuss this matter further with the Chief. Councilman Cunningham mentioned his belief that the largest financial strain on the police budget is court time. Mayor McMahon mentioned that he has been assured that District Court is doing everything they can do to accommodate the Borough. President Daly mentioned that while looking at the figures, Council should keep in mind that Common Pleas Court makes up the court time costs as well.

Council Committee Reports

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

Vice-President Hall mentioned that the Properties Committee of Borough Council reviewed a request from the Center for Resolutions to lease space on the second floor of the Carriage House to CASA. The biggest concern of the Properties Committee was the parking situation and the committee believes it has been addressed since there are only three (3) full-time employees and training sessions will take place in the evenings and on the weekends. With that said, Vice-President Hall made a motion to authorize the Solicitor to draft a lease addendum for CASA to lease space on the second floor of the Carriage House. Councilwoman Simpson seconded the motion. Councilman Cunningham mentioned that he appreciates the hard work of the Properties Committee and believes that CASA is a worthwhile organization, but does not believe that the Borough should be in the real estate business. The motion carried 5-1, with Councilman Cunningham casting the dissenting vote. President Daly abstained from voting on this matter.

Vice-President Hall made a motion to authorize the purchase of 500 32 gallon-size recycling bins up to \$7,000. The bins will be free to new residents and there will be a \$5.00 charge for replacement bins. Councilman Williamson seconded the motion. The motion carried unanimously. Councilman Cunningham inquired how the Borough will know if a customer is requesting a replacement bin. Vice-President Hall responded that the Borough will go on the honor system.

Vice-President Hall made a motion to accept the Practical Energy Solutions proposal in the amount of \$1,800 to perform an energy audit at the Media Municipal Center. Councilman Williamson seconded the motion. The motion carried unanimously.

Vice-President Hall made a motion to authorize the Solicitor to enter into a license agreement for the placement of a shed at the discretion of the Properties Committee at the Youth Center. Councilman Cunningham seconded the motion. The motion carried unanimously. Councilman Alyanakian inquired why the Borough needs to authorize the Solicitor to move forward on this matter. Borough Manager Smith responded that the Borough Solicitor recommends having a license agreement in place in order to have leverage in the future since the property is owned by the Borough of Media.

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.

Vice-President Hall mentioned that the next Media Arts Council Second Saturday event will be held on September 12, 2009.

Community Development – Mr. Williamson

Councilman Williamson mentioned the Zoning Hearing Board Application for 635 N. Monroe Street to erect a cell bank on the water tanks. Melissa Murray Rigny, Clearwire representative, mentioned that the applicant is proposing to erect three (3) round antennas and three (3) panel antennas on the water tanks. This location currently has two (2) cell banks (T-mobile and AT&T). Councilman Williamson mentioned that the Planning Commission recommends Council not oppose this application. It was determined that the Borough will not receive any revenue if the application is approved. Councilman Cunningham inquired if there was a verbal arrangement with Aqua not to erect any more cell antennas. Councilman Williamson responded that there was nothing in the minutes. Councilman Alyanakian mentioned that he was not aware of any agreement being made on the cell antennas at this location. President Daly recalls when the erection of cell towers may have been a controversial issue with residents at this location. It does not appear to be a controversial matter any longer. Councilman Cunningham inquired if any complaints or inquiries were received on this matter. Borough Manager Smith responded that there are no complaints or inquiries that he is aware of. Ms. Rigny mentioned that she is not aware of any complaints or inquiries as well. Vice-President Hall inquired about the function of the cell banks. It was determined that they transmit data and voice. President Daly mentioned that these antennas can only be placed in the Industrial District and must go before the Zoning Hearing Board.

Councilman Williamson made a motion to authorize the Solicitor to draft and advertise a POD Ordinance. Councilman Cunningham seconded the motion. President Daly suggested that the name of the ordinance be changed to Portable Storage Device Ordinance in lieu of POD, as it is a brand name. Councilman Williamson amended the motion accordingly. Councilman Cunningham accepted the amendment to the motion. The motion carried unanimously.

Councilman Williamson mentioned that the Planning Commission recommended Council not oppose a Zoning Hearing Board Application for a detached garage at 318 N. Edgmont Street. Councilman Cunningham suggested that the Planning Commission review garage applications going forward in lieu of the Zoning Hearing Board. Councilman Williamson mentioned that the Community Development Committee and Planning Commission will look at this matter and agrees that there should be more flexibility as it pertains to accessory structures.

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

Councilman Cunningham made a motion to authorize the Solicitor to draft and advertise amendments to the Shade Tree Commission in order to authorize the Borough Manager and Code Enforcement Director to issue citations. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Cunningham mentioned that streetlights at all major intersections are now illuminated with high-pressure sodium lights. The mercury lights are being phased out.

Councilman Cunningham made a motion to regretfully accept the resignation of Michael Berman from the Historic Architectural Review Board (HARB). Mr. Berman's term expires 12/31/10. Councilman Williamson seconded the motion. The motion carried unanimously. Councilman Cunningham requested a letter be sent to Mr. Berman to thank him for his service on the HARB. Councilman Cunningham urged anyone with an arts background or arts production work to submit a letter of interest/resume for this position.

As a follow-up to the State and Monroe Street parking space recommendations presented previously, Councilman Cunningham believes that implementing these recommendations will reduce congestion, improve traffic flow and pedestrian safety. With that said, Councilman Cunningham made a motion to authorize the Solicitor to draft and advertise amendments to the Traffic Code as follows:

- Eliminate parking spaces at Southwest and Southeast corners of East State Street and Church Street.
- Change metered parking space in front of Apollo Pizza to loading zone.
- Remove X and install metered parking space in front of commercial office building at Southwest corner of S. Monroe Street and East Jasper Street.
- Eliminate parking spaces on South Monroe Street at Southwest and Southeast corners of South Monroe Street and East State Street.
- Eliminate parking space at Northwest corner of East Baker Street and South Monroe Street and convert to loading zone.
- Eliminate parking space at Southeast corner of State Street and South Monroe Street on State Street and convert to loading zone.
- Eliminate two existing X spaces on Northeast corner of State Street and South Monroe St. on State Street and install meters.

Councilman Alyanakian mentioned that the Parking Committee will reconvene in the near future and he would like them to review these recommendations along with the implementation of the Parking Study Report. Councilman Cunningham mentioned that these recommendations were made over a year and a half ago and believes that they have had plenty of time to review. President Daly mentioned that the motion would only entail drafting and advertising revisions to the Traffic Code. Councilman Alyanakian seconded the motion to authorize the Solicitor to draft and advertise the Traffic Code amendments as listed above. Borough Manager Smith suggested Council consider amending the motion to include other miscellaneous Traffic Code amendments as necessary. Councilman Cunningham amended the motion accordingly. Councilman Alyanakian accepted the amendment to the motion. The motion carried unanimously.

Councilman Cunningham made a motion to authorize the drafting and advertisement of additional traffic amendments as follows:

- Change No Turn on Red restriction at the Northeast corner of Baltimore Pike and South Providence Road to permit right turns on red turning North on Providence Road from Westbound lane of Baltimore Pike.
- Change No Turn on Red restriction at all corners of Baltimore Pike and South Orange Street to No Turn on Red 8:00 AM to 6:00 PM except Sunday.

President Daly mentioned that these items will fall under the Traffic Code as well. Councilman Alyanakian seconded the motion. Vice-President Hall agrees with the Orange and Baltimore Avenue No Turn on Red change, but thinks that the Baltimore Pike and South Providence Road No Turn on Red change would not be good for pedestrians. The motion carried 6-1, with Councilman Derrickson casting the dissenting vote.

With regard to the proposed amendments to the Code of Ethics, Councilman Cunningham made a motion to revise the Code accordingly. Councilman Alyanakian seconded the motion. Vice-President Hall mentioned that he recalls asking the Solicitor to look into this matter as a First Amendment issue and believes it is premature to vote on this matter. Councilman Williamson mentioned that it may conflict with state statutes. The motion to amend the Code of Ethics was defeated 5-2, with President Daly, Vice-President Hall, Councilwoman Simpson and Councilmen Williamson and Derrickson casting the majority votes.

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

Councilwoman Simpson mentioned that October is National Fair Trade month. The Fair Trade Committee will continue education and celebration.

Councilwoman Simpson mentioned that the Media Business Authority is sponsoring the Great Media Garage Sale days on September 12 & 13, 2009 from 9:00 a.m. – 4:00 p.m. Councilwoman Simpson urged attendees to use extra caution when driving around during this event. A registration form and map can be picked up at Borough Hall. Please call the Media Business Authority office at 610-566-5039 with any questions.

Councilwoman Simpson made a motion to authorize a \$13,728 transfer from the mercantile tax escrow account to the Media Business Authority for a promotion partnership (television ads, etc.) with Crozer Keystone. Councilman Williamson seconded the motion. The motion carried unanimously. Councilman Cunningham inquired about repealing a resolution that was adopted in 1985 approving the transfer of the mercantile tax proceeds to the Media Business Authority. President Daly mentioned that this will be part of budget discussions for next year.

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	\$ 251,637.51
Recreation Fund	\$ 8,432.35
Liquid Fuels Fund	\$ 0
Capital Fund	\$ <u>27,591.96</u>
Total	\$ 287,661.82

President Daly motioned that bills be paid when properly approved for all funds. Councilman Williamson 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 \$4,928 pertaining to CMAQ and three (3) bills totaling \$5,294.26 for Third Street Bridge. The motion to pay the bills carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Daly discussed the mid-year budget update. President Daly mentioned that the 2009 budget is in good shape, thus far. The transfer of dispatching services and the police capital expenditures have been reflected in the mid-year budget update. The police capital expenditures include items such as video equipment for vehicles, hand held computers for the Parking Enforcement Officers, etc. Treasurer Deitch discussed a decrease in the Local Service Tax and Mercantile Tax. Councilman Cunningham mentioned his displeasure with the budget particularly with expenditures. Councilman Cunningham believes that the Borough is rewarding individuals who have over-expended their budgeted amount. Councilman Williamson commended Borough staff for keeping on top of the budget. President Daly made a motion to adopt Resolution #2009-08 – Mid-year Budget Update. Councilman Williamson seconded the motion. The motion carried 5-2, with Councilmen Cunningham and Alyanakian casting the dissenting votes.

President Daly mentioned that the Borough and Broomall's Lake Country Club previously signed a tri-party agreement for the Third Street Bridge. The County of Delaware has now signed the agreement as well.

President Daly made a motion to authorize the execution of the design reimbursement agreement with PennDOT for the Third Street Bridge. Councilman Williamson seconded the motion. The motion carried 6-1, with Councilman Cunningham casting the dissenting vote. Councilman Cunningham mentioned that the County of Delaware continues to defer responsibility on this matter. Councilman Williamson mentioned that this is a step in moving along the process. Councilman Cunningham mentioned that the County is not willing to help, therefore, he does not want the taxpayers to have to foot the bill since there is no concrete commitment for funds from the County.

Public Safety, Highway & Emergency Management – Mr. Derrickson

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for the Plumstead Inn/Tug McGraw Foundation Benefit event on Sunday, August 23, 2009. 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 Saturday, August 29, 2009. Councilwoman Simpson seconded the motion. Vice-President Hall requested that the motion be amended to include approval contingent upon resisting the 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 accepted the amendment to the motion. The motion carried unanimously.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for First United Methodist Church of Media's "Rally Day" Picnic on Sunday, September 13, 2009 contingent upon them moving the event to State Street in front of the church in lieu of Baker Street. Councilman Williamson seconded the motion. The motion carried unanimously.

Councilman Derrickson mentioned a Mass Gathering Permit Application from the Delaware County Women Against Rape for their race event to take place in October. A sense of Council was taken and it was determined that the request should be denied due to logistical issues. The Borough already hosts the 5 Mile Race during the year and it was determined that this is all that the Borough can handle at this time. With that said, Councilman Derrickson made a motion to deny the Mass Gathering Permit Application from the Delaware County Women Against Rape for a race event to take place in October. Councilwoman Simpson seconded the motion. The motion carried unanimously. Councilwoman Simpson offered her assistance to the organization in order to find another location for the event.

With regard to the police dispatcher transition, President Daly mentioned that a Special Meeting on this matter should be scheduled next week. Borough Manager Smith will check Council's schedule and follow-up accordingly with an advertisement.

Councilman Cunningham inquired about the feasibility of re-orienting a pedestrian sign by the Plum Street Mall going westbound as he believes it is not visible. Councilman Derrickson will take a look at this item.

Councilman Cunningham inquired about the feasibility of repainting the crosswalk on State Street at the Plum Street Mall to make it more visible. Perhaps yellow or white solid blocks can be used to make it more visible.

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

Councilman Alyanakian mentioned the following for the Recreation Board:

- Fall tennis lessons are being offered for children.
- Golf clinics for adults are available.
- A Spirit of Philadelphia trip is scheduled for Saturday, September 12, 2009.
- A Family Dance will be held on Saturday, September 19, 2009 from 6:00-9:00 p.m. in the Community Center.
- Now follow the Recreation Board on Twitter @MediaRec.
- Although enrollment was down, the summer recreation program at the Youth Center was successful. It was nice to have the option of Barrall Field or the Youth Center.

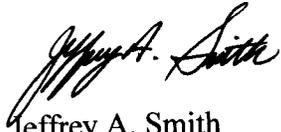
Public Comment & Privilege of the Floor

Borough Manager Smith read an e-mail received by the “questions” mailbox from Tedman O’Hara related to the budget. Specifically, Mr. O’Hara wanted to know how to obtain an electronic copy of the Borough’s budget from 2005-2009. Mr. O’Hara requested to see a breakdown of revenue v. expenses for Media’s Fair Trade Marketing/Promotion/Events, Media 5 Mile Run, Musical Strolls (Roots Ramble/Blues Fest/Jazz Fest) and Borough-owned properties (i.e. Media Theater, Old Borough Hall (Brodeur’s). Borough Manager Smith indicated that the Borough is able to post the budget online if Council is so inclined. Also, Borough Manager Smith mentioned that he will address Mr. O’Hara questions related to revenue v. expenditures.

Adjournment

Councilman Cunningham motioned to adjourn the meeting at 10:25 p.m. Councilman Alyanakian seconded the motion. The motion carried unanimously.

Respectfully submitted,



Jeffrey A. Smith
Borough Manager/Secretary