

**MINUTES  
BOROUGH COUNCIL MEETING  
NOVEMBER 19, 2009**

Media Borough Council met in Council Chambers on the above date with the following officials present: Mayor McMahon, President Daly, Vice-President Hall, Councilwoman Simpson, Councilmen Cunningham, Williamson and Derrickson. Councilman Alyanakian was absent from the meeting. Also present were Borough Manager Smith, Treasurer Deitch, Solicitor McLean 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 October 1, 2009 Workshop Meeting minutes, October 1, 2009 Special Meeting minutes and October 15, 2009 Council Meeting minutes. Councilwoman Simpson seconded the motion. The motion carried unanimously.

**Public Comment & Privilege of the Floor**

Mayor McMahon read Proclamation #2009-09, recognizing Bevan's Candy on the occasion of their 50<sup>th</sup> anniversary. Randy Bevan accepted on behalf of his family indicating that they were honored to receive recognition from Borough Council.

Martha Burton, representing Campbell A.M.E. Church, mentioned their request for "pastor parking" in front of the church. President Daly indicated that the Borough is process of implementing the overall parking study. Although Councilman Alyanakian is not in attendance this evening due to medical reasons, it was determined that the Parking Committee should review this request as there is no precedent set within the Borough for such a request.

Monika Rehoric, Historic Preservation and Media Business Authority, mentioned Minshall House tours to take place on Saturday, December 12, 2009 from 12:00-4:00 p.m. Mrs. Rehoric also announced that Santa's Arrival and Festival of Lights to take place on Friday, November 27, 2009 beginning at 5:00 p.m. Visit [www.visitmediapa.com](http://www.visitmediapa.com) for further information.

**Engineer's Report**

Engineer Walton mentioned that road resurfacing is within a few days of completion.

**Mayor's Report** – Mayor McMahon

Mayor McMahon reported that the Police Department received and investigated 841 complaints during the month of October. There were no reported burglaries for the month of October.

Mayor McMahon mentioned the following for the police department: Sergeant Carroll remains on inactive status, Sandy Bennett is on restrictive duty due to a trip and fall, Sergeant Bowen's father passed away recently and computers have been installed in police vehicles for approximately three (3) weeks, which allows police officers to retrieve the same information that is on the computers in the station.

Councilman Cunningham inquired if there is a traffic control update at various intersections Mayor McMahon responded that he does not have the information this evening, but would get back to him. Mayor McMahon mentioned a traffic accident at 4<sup>th</sup> and Monroe Streets and indicated that perhaps street light wattage should be reviewed again at this intersection and other intersections. Councilman Cunningham mentioned that perhaps traffic control updates at various intersections could be worked into the monthly police report. Mayor McMahon agreed.

Councilman Cunningham mentioned the presence of more bicyclists on the road and indicated that they should be obeying the traffic laws. Mayor McMahon suggested that perhaps there could be more education in schools on this matter. Councilman Cunningham suggested that the police department keep an eye on bicyclists.

### **Council Committee Reports**

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

With regard to fall planting, Councilman Cunningham mentioned that approximately 35 trees will be planted around the Borough. If you are interested in having a tree planted outside your home, please contact the Borough office.

Councilman Cunningham announced that there is a vacancy on the Shade Tree Commission since Jane Valdes-Dapena will be resigning in 2010. Councilman Cunningham requested that anyone interested should send their letters of interest/resumes to Borough Manager Smith.

Councilman Cunningham announced that there is a vacancy on the Historic Archives Commission since Susan Carl is resigning. Councilman Cunningham requested that anyone interested should send their letters of interest/resumes to Borough Manager Smith.

Councilman Cunningham mentioned that Rachelle Green, non-voting member on the Historic Archives Commission, will be moving out of the Borough and this vacancy will not be filled because it's a non-voting position. Councilman Cunningham mentioned that Ms. Green's expertise proved to be invaluable to the commission.

Councilman Cunningham mentioned that the Michael Berman, Chairman of the Historical Architectural Review Board, resigned and that this position needs to be filled by someone with a specific skill set. The Borough received letters of interest/resumes, which will be distributed to Borough Council for their review.

Councilman Cunningham mentioned that two (2) historic plaques have been erected as follows: one (1) at the Armory in honor of Admiral Cooper and one (1) at N. Lemon Street in honor of Jay Johnson, a well-known composer. President Daly mentioned his displeasure with the process on the plaque installation and noted that his belief that Council should have been consulted with regard to the text. President Daly mentioned his belief that the Jay Johnson plaque was questionable and inappropriate. With that said, President Daly made a motion to remove the plaque at N. Lemon Street in honor of Jay Johnson. Councilman Williamson seconded the motion. Councilman Williamson mentioned that he came away from the Workshop meeting, where the plaques were a topic of discussion, thinking that only the Admiral Cooper plaque was in production and that Council would be consulted on all others going forward. Councilwoman Simpson mentioned that a resident in the area of N. Lemon Street contacted her and was dismayed about such attention being drawn to the home. The resident indicated that perhaps the Penns Woods area, the women who started the Fellowship House, had a deeper connection to Media. Councilman Cunningham mentioned that he did indicate two (2) plaques were in production and that perhaps Council should go back and check the Workshop meeting tapes. Councilman Cunningham mentioned that the neighbors in the area were consulted and welcomed the addition of the plaque. Councilman Cunningham mentioned that the property owner also was pleased to have it in the vicinity of their property. The motion to remove the plaque at N. Lemon Street in honor of Jay Johnson carried 5-1, with Councilman Cunningham casting the dissenting vote.

Engineer Walton made a suggestion to the Shade Tree Commission that silver maple trees not be planted near sewer laterals as the roots can create a problem. Councilman Cunningham mentioned that he would pass the suggestion along.

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

Councilwoman Simpson mentioned the Media Business Authority flyer with the holiday calendar of events. The calendar of events can be viewed at [www.visitmediapa.com](http://www.visitmediapa.com) or in various shops.

Councilwoman Simpson mentioned that SEPTA and Borough officials conducted a meeting in order to discuss upcoming work on the trolley line. State Street will not close for the work, however, the trolley will not run from mid-December through August 2010. Councilman Cunningham inquired if there was any discussion regarding concrete work. Borough Manager Smith responded that concrete project is not part of the project, but that SEPTA will look into the request.

Councilwoman Simpson mentioned that the Technology Committee will assess technology needs for 2010.

Councilwoman Simpson indicated that the Fair Trade Committee is in the process of planning their Live Concert. A Mass Gathering Permit Application will be submitted in the near future.

Councilwoman Simpson mentioned that a Fair Trade Conference was held at St. Joseph's University in which Media was well-represented.

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

Vice-President Hall mentioned that Media Arts Council is sponsoring their Third Annual Film Festival, which will take place on February 26 and 27, 2010. The early submission deadline is December 1, 2009. The late submission deadline is January 15, 2010.

Vice-President Hall encouraged everyone to view the window gallery sponsored by Media Arts County at the First Keystone Bank location.

Vice-President Hall announced that the next Media Arts Council Second Saturday event will be held on December 12, 2009 from 6:00-9:00 p.m.

Vice-President Hall mentioned that the Environmental Advisory Council is coordinating a cigarette litter count this coming Saturday at 8:30 a.m.

Vice-President Hall announced that the Borough received a grant via the Chester-Ridley-Crum Watersheds Association (CRC) in the amount of \$10,000 for stormwater plantings around the Media Municipal Center, including a rain garden. Any funding left over will be used for the purchase of rain barrels. Councilman Cunningham inquired about the planting around the Media Municipal Center. Vice-President Hall responded that nothing is set in stone, but there will be some plantings near the recent rain barrel installation and indicated that no trees will be planted.

Vice-President Hall mentioned that he will defer the sidewalk request for 319 S. Olive Street until the Community Development Committee has an opportunity to review the matter in more detail.

**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	\$ 839,565.02
Recreation Fund	\$ 454.72
Liquid Fuels Fund	\$ 106,718.00
Capital Fund	\$ 55,005.74
Total	\$1,001,743.48

President Daly motioned that bills be paid when properly approved for all funds. Councilman Simson seconded the motion. Councilman Cunningham inquired if CMAQ and Third Street Bridge project invoices were included with the bills. Treasurer Deitch responded there is a \$1,072 charge pertaining to CMAQ and a \$400.74 charge related to the Third Street Bridge. The motion to pay the bills carried 5-1, with Councilman Cunningham casting the dissenting vote.

President Daly mentioned that the preliminary 2010 General Fund, Capital Fund Liquid Fuels Fund and Recreation Fund budgets are up for adoption this evening. President Daly mentioned that there is a slight surplus in the General Fund budget. President Daly mentioned that the Liquid Fuels and Recreation Fund budgets are in balance. President Daly mentioned that there is a \$313,000 deficit within the Capital Fund budget.

President Daly mentioned that he is confident the 2010 preliminary budget can be adopted without a millage rate increase, although it is not possible to put much money aside in the capital reserve fund for future projects. President Daly made a motion to adopt and present the preliminary 2010 General Fund, Capital Fund Liquid Fuels Fund and Recreation Fund budgets. Councilman Williamson seconded the motion. Councilman Cunningham mentioned that he does not intend to vote in favor of this motion. While Councilman Cunningham is pleased that there will not be a tax increase during the recession, he supported the adoption of the budget last year with the understanding that policy problems would be addressed and it was not. Councilman Cunningham stated one of the biggest spending issues is police overtime and referenced the 2006 budget and the rising police budget over the years. Councilman Cunningham mentioned that the Borough is taking in enough revenue, but that the Borough needs to control spending. Councilman Cunningham suggested that perhaps it is time to take a look at cooperative efforts with neighboring municipalities with regard to police services. President Daly mentioned that the 2006 budget did not include separate line items for insurance, workers compensation insurance, etc. due to the fact that it was included under one category; therefore, President Daly believes that Councilman Cunningham's comparison to the 2006 budget is misleading. President Daly indicated that he does not believe Nether Providence Township will have interest in a cooperative effort and Upper Providence Township does not fund the police department in the same manner. Councilman Cunningham suggested that Council look into all viable options as costs are going to grow each year. Vice-President Hall inquired if the amount of the support going to the Media-Upper Providence Library has changed. It was determined that it has not changed. Councilman Cunningham mentioned that the Borough will need to figure out how to raise revenue in some manner and mentioned that the Borough can not let one service (public safety) dominate the budget. Councilman Cunningham mentioned his belief that taxes will have to be raised going forward. Councilman Williamson mentioned that Borough Council would not be able to solve the problem this evening and called the motion. The motion to adopt and present the preliminary 2010 General Fund, Capital Fund Liquid Fuels Fund and Recreation Fund budgets carried 5-1, with Councilman Cunningham casting the dissenting vote.

With regard to window capping at Borough Hall, Borough Manager Smith indicated that Council previously authorized obtaining proposals for this work. The lowest proposal came from J. W. Burgy in the amount of \$5,190 for 52 windows. President Daly made a motion to award the window capping at Borough Hall as indicated by Borough Manager Smith. Councilman Williamson seconded the motion. The motion carried unanimously.

With regard to advertising a Request for Proposals for workers compensation and insurance renewal, Borough Manager Smith indicated that the Finance Committee discussed adding life and long-term disability to the insurance renewal. President Daly made a motion to advertise Request for Proposals for workers compensation and life insurance, long-term disability and auto/liability insurance renewal. Councilman Williamson seconded the motion. The motion carried unanimously.

President Daly made a motion to advertise a Request for Proposal for banking services. Councilman Williamson seconded the motion. The motion carried unanimously.

President Daly made a motion to advertise a Request for Proposal for phone services. Councilman Williamson seconded the motion. The motion carried unanimously.

President Daly mentioned that Borough Council voted in September to close off the Third Street Bridge to pedestrians. Engineer Walton indicated that Schnabel Engineering Site Review/Inspection Report indicated that the conditions of the Third Street Bridge have gotten worse and that the Borough needs to keep it closed to pedestrian traffic.

Councilman Derrickson inquired if Verizon customers are now able to view the Council meeting. Borough Manager Smith mentioned that the Borough has been in contact with Verizon and the work should be completed by Wednesday.

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

Councilman Williamson made a motion to adopt Ordinance No. 1066 pertaining to the use of Portable Storage Devices. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Williamson made a motion to adopt Ordinance No. 1067 pertaining to Floodplain Ordinance amendments. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Williamson made a motion to authorize the Solicitor to draft and advertise a Zoning Ordinance amendment allowing for non-conforming uses by special exception. Vice-President Hall seconded the motion. Councilman Cunningham encourages Councilman Williamson to reconsider the 50% non-conforming use expansion, as he believes it is too large and would like the percentage to go back to 35%. Solicitor McLean mentioned that Borough Council may want to look at other municipalities and believes concerns will be addressed in the special exception application. The motion to authorize the Solicitor to draft and advertise a Zoning Ordinance amendment allowing for non-conforming uses by special exception carried 5-1, with Councilman Cunningham casting the dissenting vote.

Councilman Williamson made a motion to authorize the Solicitor to draft and advertise Noise Ordinance amendments in order to adjust decibel levels throughout the Borough. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Williamson made a motion to appoint Stuart Pollock as the back-up Accessibility Plan Review & Inspector. Vice-President Hall seconded the motion. The motion carried unanimously.

Borough Manager Smith indicated that the new pizza shop at 111 W. State Street would like to have a dumpster in the rear of their business on Jasper Street, which would require that the Borough enter into Right-of-Way license agreement. Two parking spaces would be lost in this endeavor. Councilman Williamson made a motion to enter into a Right-of-Way agreement for 111 W. State Street. Vice-President Hall seconded the motion. President Daly mentioned he would like to defer until the Engineer has an opportunity to review the matter. Councilman Williamson indicated that he is fine with deferring this matter for a month in order to minimize the loss of parking. Councilman Williamson amended his motion to authorize the Right-of-Way agreement for 111 W. State Street conditioned upon review by the Engineer and Solicitor. Vice-President Hall seconded the motion. The motion carried 5-1, with Councilman Cunningham casting the dissenting vote. Councilman Cunningham mentioned that more attention needs to be paid to the cleanliness surrounding dumpsters.

Councilman Williamson mentioned that Pinocchio's Restaurant would like to occupy the side of their building with a handicapped access ramp. Councilman Williamson indicated that there is plenty of room on the sidewalk and made a motion to approve the Request for Occupation Right-of-Way for Pinocchio's Restaurant at Baltimore Avenue and Gayley Street. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Williamson mentioned a development/financial security agreement and Zoning Hearing Board Application for 141 E. Third Street. Councilman Williamson mentioned that this property has been subdivided into two (2) lots. Solicitor McLean explained the details of the development/financial security agreement. Solicitor McLean indicated that the Borough's Solicitor and the applicant's solicitor have agreed on the terms. Councilman Williamson made a motion to approve the development/financial security agreement for 141 E. Third Street. Councilwoman Simpson seconded the motion. The motion carried 4-2, with President Daly and Councilman Cunningham casting the dissenting vote.

With regard to the Zoning Hearing Board Application for 141 E. Third Street, the applicant is requesting a variance from installing a driveway. Councilman Williamson made a motion to oppose this application and send the Solicitor to the Zoning Hearing Board on behalf of the Borough considering that there is room for the driveway on the property. Councilwoman Simpson seconded the motion. The motion carried 5-1, with Vice-President Hall casting the dissenting vote.

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

Since tipping fees for trash disposal from the County of Delaware have gone up, Councilman Derrickson made a motion to authorize the Solicitor to draft and advertise Solid Waste Ordinance amendments as follows: first bulk trash pick-up for the calendar year is free and all subsequent pick-ups are \$30 (which will include up to five (5) items) and freon removal will cost \$15 per item. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Derrickson mentioned the County of Delaware 2010 household hazardous waste schedule and referenced that it can be viewed on the Borough and County websites.

Councilman Derrickson made a motion to approve the Mass Gathering Permit Application for the Media 5 Mile Race to be held on Friday, June 18, 2010. Councilman Williamson seconded the motion. Councilwoman Simpson mentioned that, as a principal of the Media 5 Mile Race Committee, she will be abstaining from the vote. The motion carried unanimously with Councilwoman Simpson abstaining.

Councilman Derrickson mentioned that leaf collection is ongoing. Check the Borough's website for the complete schedule.

As a follow-up to Councilwoman Simpson's report, Councilman Derrickson mentioned that Borough officials met with SEPTA to discuss the trolley stimulus project. The project will entail a nine (9) month track closure. Shuttle buses will run along State Street in lieu of the trolley. Seventy-five percent of the time the bus will be a hybrid bus.

Councilman Derrickson mentioned complaints concerning commercial vehicles, large trailers, etc. parking along N. Lemon Street north of 5<sup>th</sup> Street. Councilman Derrickson inquired if signs could be erected in this vicinity or if Borough Council should amend the ordinance accordingly. Solicitor McLean indicated that she would need to review this matter.

Councilman Derrickson indicated that he is going to mention various Traffic Code Ordinance amendments as reviewed by the Public Safety Committee, although he will not be making any motions on same.

Councilman Derrickson mentioned the proposed Traffic Code Ordinance amendment changing the no turn on red restriction at the northeast corner of Baltimore Pike and S. Providence Road from westbound lane of Baltimore Pike. Councilman Cunningham made a motion that the above reference no turn on red restriction be modified to accordingly except 8:00 a.m. to 6:00 p.m. Monday through Friday. The motion failed for lack of a second.

Councilman Derrickson mentioned the proposed Traffic Code Ordinance amendment changing the no turn on red restriction at all corners of Baltimore Pike and S. Orange Street to no turn on red 8:00 a.m. to 6:00 p.m. except Sunday. Councilman Cunningham made a motion that the above reference no turn on red restriction be modified to accordingly. Councilman Williamson seconded the motion. President Daly mentioned that he could favor this motion if the hours are 7:00 a.m. to 8:00 p.m. Councilman Cunningham amended his motion accordingly. Councilman Williamson agreed to the amendment. Vice-President Hall mentioned his belief that changing to these hours will result in the intersection losing uniformity from the other one. Councilwoman Simpson mentioned that she will not vote in favor because of her belief that this is a dangerous intersection. The motion resulted in a 3-3 tie, which required Mayor McMahon to break the tie. The motion was defeated 4-3, with Mayor McMahon, Vice-President Hall, Councilwoman Simpson and Councilman Derrickson casting the majority votes.

Councilman Derrickson mentioned the proposed Traffic Code Ordinance amendment eliminating parking spaces at southwest and southeast corners of E. State Street and Church Street. Councilman Cunningham made a motion as indicated above. Vice-President Hall mentioned that he could second the motion if it was for the southwest corner only. Councilman Cunningham amended his motion accordingly. Vice-President Hall seconded the motion. The motion resulted in a 3-3 tie, which required Mayor McMahon to break the tie. The motion carried 4-3, with Councilwoman Simpson and Councilmen Williamson and Derrickson casting the dissenting votes.

Councilman Derrickson mentioned the proposed Traffic Code Ordinance amendment eliminating two (2) metered parking spaces in front of Apollo Pizza. Councilman Cunningham made a motion as indicated above. The motion failed for lack of a second.

Councilmen Derrickson mentioned the proposed Traffic Code Ordinance amendment removing an "X" space and install a metered parking space in front of a commercial office building at the southwest corner of S. Monroe Street and E. Jasper Street. Councilman Cunningham made a motion as indicated above. Councilman Williamson seconded the motion. The motion resulted in a 3-3 tie, which required Mayor McMahon to break the tie. The motion carried 4-3, with President Daly, Councilwoman Simpson and Councilman Derrickson casting the dissenting vote.

Councilman Derrickson mentioned the proposed Traffic Code Ordinance amendment eliminating parking spaces on S. Monroe Street at southwest and southeast corners of S. Monroe Street and E. State Street. Councilman Cunningham made a motion as indicated above. Councilman Williamson mentioned that he would support the motion if it was on the southeast corner and not the southwest corner as he believes there is more of a problem with left-hand turns. Engineer Walton mentioned that perhaps the parking space could be shortened first and then look at remove if that does not work. Councilman Cunningham withdrew his motion pending an evaluation by the Engineer.

Councilman Derrickson mentioned the proposed Traffic Code Ordinance amendment eliminating a parking space at northwest corner of E. Baker Street and S. Monroe Street and convert to a loading zone. Councilman Cunningham made a motion as indicated above. The motion failed for lack of a second.

Councilman Derrickson mentioned the proposed Traffic Code Ordinance amendment eliminating a parking space at southeast corner of State Street and S. Monroe Street on State Street and convert to a loading zone. Councilman Cunningham made a motion as indicated above. The motion failed for lack of a second.

Councilman Derrickson mentioned the proposed Traffic Code Ordinance amendment eliminating two existing "X" spaces on the northeast corner of State Street and S. Monroe Street on State Street and install parking meters. Councilman Cunningham made a motion as indicated above. The motion failed for lack of a second. Engineer Walton suggested that perhaps the one (1) space closest to Edgmont Street be changed into a metered parking. Councilman Cunningham made a motion to modify his original motion to install one (1) metered parking spot at this location. Vice-President Hall seconded the motion. Councilwoman Simpson mentioned that she is opposed to this motion, as she believes it is a dangerous area and the "X" spaces should remain in tact. Councilman Williamson agreed with Councilwoman Simpson and mentioned that the lieutenant's review of this proposed amendment indicated that he was strongly opposed to this revision. The motion resulted in a 3-3 tie, which required Mayor McMahon to break the tie. The motion was defeated 4-3, with Mayor McMahon, Councilwoman Simpson and Councilmen Williamson and Derrickson casting the majority votes.

Councilman Derrickson made a motion to approve a handicapped parking space application for 418 Vernon Street. Councilwoman Simpson seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to remove a handicapped parking space at 132 E. Fifth Street. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to implement no parking 8:00 a.m. - 5:00 p.m. along W. Third Street from Olive to Orange Streets. Vice-President Hall seconded the motion. The motion carried unanimously. President Daly suggested that the yellow line in this area be moved closer to the Court House.

Councilman Derrickson made a motion to implement no truck traffic along S. Jackson Street from Jefferson Street to the Borough line. Vice-President Hall seconded the motion. The motion carried unanimously.

Councilman Derrickson made a motion to add a 15-minute meter in front of 30 W. Baltimore Avenue. Vice-President Hall seconded the motion. The motion carried 5-1, with President Daly casting the dissenting vote.

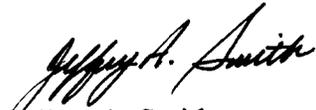
**Public Comment & Privilege of the Floor**

Jane Rowland, E. Second Street, inquired about the status of the Hampton Inn application. Councilman Williamson mentioned that this matter has been settled out of court as the residents have withdrawn their opposition. The Borough expects plans to come in for the hotel in early 2010.

**Adjournment**

Vice-President Hall motioned to adjourn the meeting at 10:55 p.m. Councilman Williamson seconded the motion. The motion carried unanimously.

Respectfully submitted,



Jeffrey A. Smith  
Borough Manager/Secretary