

**Meeting Minutes
State College Borough Council
Special Meeting
Monday, April 11, 2005**

The State College Borough Council met in a special meeting on Monday, April 11, 2005, in the State College Municipal Building's Council Chambers, 243 South Allen Street, State College, PA. Mayor Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor Welch
Thomas E. Daubert, President of Council
Catherine G. Dauler
Elizabeth A. Goreham
Craig R. Humphrey
Janet K. Knauer
Jeffrey R. Kern
James H. Meyer

Also present: Thomas J. Fountaine, II, Borough Manager; Carl R. Hess, Director of Planning; Mark Whitfield, Public Works Director; Amy J. Story, Borough Engineer; Edward Holmes, Facilities Coordinator; Thomas R. King, Chief of Police; Ronald Davis, Assistant Borough Manager; Amy R. Miller, Recording Secretary; members of the media; and other interested observers.

Roll Call.

Public Hour. There were no comments from the public.

Take Back the Night. Mr. Fountaine said Council received an application to conduct the annual "Take Back the Night" march on Wednesday, April 13. The applicant proposes to use sidewalks only along Garner, Foster, Fraternity Row, Fairmount, Locust, Beaver and Allen Street. Participants plan to hold a small vigil at the intersection of Fraternity Row and Fairmount Avenue to acknowledge the survivors of sexual assault. The march will begin at 9:00 p.m. and continue until midnight.

Ms. Knauer moved and Mr. Kern seconded a motion to approve the event. The vote passed with a unanimous 7-0-0 vote.

Project #10-2005 Soccer Field Detention Basin Project. Bids for this project, which consists of the construction of an earthen embankment; excavation and grading for an emergency spillway and swale; installation of approximately 620 linear feet of 24-inch storm pipe and 570 lineal feet of 36-inch storm pipe with the addition of seven (7) concrete junction boxes and other appurtenances; were opened on April 5, 2005 at 11:00 a.m. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 4 bid packages were purchased.

The Base Bid includes the construction of the embankment, swale, storm sewer pipe, partial field underdrain and all other appurtenances required for the detention basin. Alternate A included sod for the entire field, Alternate B included an underdrain for the entire field, and Alternate C included additional electrical items requested by the School District. The following bids were received:

	Contractor	Base Bid	Alt. A	Alt. B	Alt C
1.	Terra Excavating, Inc. Thomas R. Kuhlman, Pres Centre Hall, PA	\$683,772.83	\$133,760.00	\$13,651.50	\$6,333.79
2.	Ameron Const. Co., Inc. Alison Kurtz, President State College, PA	\$694,508.20	\$141,120.00	\$26,575.00	\$10,751.00
3.	HRI, Inc. Jeffrey E. Reeder, V-Pres State College, PA	\$744,152.00	\$145,920.00	\$18,400.00	\$6,400.00
4.	Glenn O. Hawbaker, Inc. Daniel R. Hawbaker, Pres State College, PA	\$816,581.00	\$42,560.00	\$22,800.00	\$4,231.00

The lowest base bid is approximately \$30,000 over staff's estimate and is approximately \$34,000 more than the project budget; however there are sufficient funds available for the project. The

Notice to Proceed is expected to be issued on April 21. The School District has been approached for acceptance of any or all of the alternates, but at this time, we have not received their decision.

Mr. Fontaine recommended the Base Bid be awarded to Terra Excavating, Inc., the low bidder, in the amount of \$683,772.83 and that Alternates A (\$133,760.00), B (13,651.50) and C (\$6,333.79) be awarded contingent upon the School District's agreement to fund the Alternate bid items. Mr. Daubert moved and Mr. Kern seconded a motion to award the contract as recommended by the Manager. The vote passed with a unanimous 7-0-0 vote.

Resolution Certifying That The Borough Provides Adequate Insurance. Mr. Fontaine explained PENNDOT requests that the Borough provide proof of insurance annually for both the Borough and the Borough's Sewer Authority. Because the Borough is a government agency, the proof must be accompanied by a resolution. Since there are not two separate insurance policies for the Borough and the Sewer Authority (the policy is for the Borough and covers its assignees), PENNDOT requested that the Resolution be revised to cover the Borough and its Sewer Authority. Mr. Fontaine recommends that Council approve the Resolution and authorize the President of Council to execute it on its behalf. Mr. Daubert moved, Ms. Dauler seconded a motion, and Council voted unanimously 7-0-0 to authorize and execute the resolution.

Establish A Date For A Public Hearing For Amendment To The Zoning Ordinance For The Commercial Incentive District. Mr. Fontaine said Council received the zoning amendment for the Commercial Incentive District on April 4, 2005 and scheduled a public hearing for May 2, 2005. According to Section 609(b)(2)(i) of the Municipalities Planning Code, notices of the hearing must be mailed 30 days prior to the hearing to the addresses where real estate tax bills are sent. Since the appropriate time is not available to complete this mailing for a public hearing on May 2nd, Mr. Fontaine requested Council reschedule the public hearing for May 16, 2005.

Ms. Knauer moved and Mr. Daubert seconded a motion to reschedule the public hearing.

Mr. Daubert asked if discussions were final by May 16 could Council vote on May 16; Mr. Fontaine answered that once the public hearing is concluded generally Council could vote, but recommended postponing the vote to take the public's comments into consideration. Mr. Kern thought that no public hearing should be held in May because the ordinance needs more examination. Ms. Knauer added that the Design Review Board (DRB) is eager to discuss the ordinance, and their comments should be considered as well.

Mr. Daubert said he would like to know why Mr. Kern does not want a public hearing. Mr. Kern replied that business owners need to be involved to make this ordinance work. The Borough needs to seek input from businesses so that the ordinance includes incentives that are realistic and attractive to developers. It was not Mr. Kern's wish to cancel the public hearing, but rather develop a schedule for input from the community. Ms. Knauer asked if it was possible to schedule additional dates. Mayor Welch suggested a forum to get people to share their expertise. Mr. Fontaine agreed and said staff is working on plans for several public meetings as opposed to formal hearings.

Mayor Welch said Council should resist the idea that everyone is on an academic calendar and should conduct business as usual for the summer.

Mr. Fontaine said the motion is to hold a hearing on May 16. Mr. Meyer said the zoning change will take a lot of time and discussion and feels when Council is rushed into voting, problems occur. Mr. Kern added that establishing a pending ordinance is not advisable if substantial changes in the proposal are anticipated.

Mr. Daubert suggested defeating the motion now, discussing it further and putting it back on Monday's agenda.

Mr. Kern moved the question and Mr. Meyer seconded. Council voted 2-5 with Ms. Dauler and Ms. Goreham in favor of the hearing and Mr. Kern, Mr. Meyer, Mr. Humphrey, Ms. Knauer, and Mr. Daubert opposing the hearing and the motion failed.

Ms. Knauer moved to allow the DRB an appropriate time to review the ordinance and provide comments to Council. Ms. Dauler seconded the motion and the motion passed unanimously that at the appropriate time, the appropriate ordinance will be forwarded to the DRB to provide feedback to Council.

Items Of Information. Mr. Fontaine said Council will meet with the IFC at one of the fraternity houses on Tuesday, April 19 but the location of the meeting will be determined later.

Ms. Dauler said she attended a TIPS program, which stands for training for intervention procedures, and felt it was very interesting. She said she had learned how to identify and appropriately intervene in a case of excess consumption of alcohol.

Mr. Daubert reminded Council to arrive at the ABC dinner by 5:45 pm to greet guests by 6:00 pm.

Ms. Goreham said she received a call from a Foster Avenue resident who expressed concern about a property in the neighborhood. Although originally intended for a church/student center,

the property has been seeded and has been used as a small playing field. The neighbors wanted to contact the property owner to buy the land then donate it back to the community for a local park.

Mayor Welch suggested onions be banned from the Borough facility when ordering lunches for meetings.

Mr. Fontaine said local surveys were mailed out from the Centre Area Cable Consortium (CACC) and staff has been receiving comments via email. There is a public meeting on Tuesday, May 10 at 7 pm at the Mt. Nittany Middle School.

Adjournment. There being no further business the meeting adjourned to a work session immediately following.

Respectfully Submitted by:

Cynthia S. Hanscom
Assistant Borough Secretary