

Meeting Minutes
State College Borough Council
October 1, 2007

The State College Borough Council met in a regular meeting on Monday, October 1, 2007, in the State College Municipal Building Council Room, 243 South Allen Street, State College, PA. Ms. Dauler called the meeting to order at 7:30 p.m.

Present: Catherine G. Dauler, President of Council
Thomas E. Daubert
Ronald L. Filippelli
Elizabeth A. Goreham
Donald M. Hahn
Craig R. Humphrey
Jeffrey R. Kern
Absent Bill Welch, Mayor

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Manager; Herman L. Slaybaugh, Zoning Officer/ Planner; Lu Hoover, CDBG Planner; Thomas R. King, Chief of Police; Amy Story, Borough Engineer; Michael S. Groff, Finance Director; Mark A. Whitfield, Director of Public Works; Arthur Caccavale, Parking Manager; Beth Johnston, Director of Human Resources; Cynthia S. Hanscom, Recording Secretary; members of the media; and other interested members of the public.

Ms. Dauler began with a moment of silence and the Pledge of Allegiance

PUBLIC HOUR

Request for Exemption. Ms. Dauler explained that staff received a request from the Pennsylvania Antique Dealers Association for exemption from the Temporary Retail License regulations for an event to be held on Saturday and Sunday, October 20 and 21, at the State College Area High School south building. After reviewing the request, staff determined that this event was no different than similar events where temporary retail licenses are required. Thus, staff denied the request. The Antique Dealers Association has written a letter asking Council to set aside the provisions of the ordinance to exempt the vendors from paying the license fees.

Nancy Parks of Aaronsburg Antiques spoke on behalf of the Pennsylvania Antique Dealers Association (PADA). She said that Barbara Hedegus, President of PADA, was requesting a waiver for a one-year period. Because Ms. Hedegus was not aware of the fee, the vendors were not made aware prior to registering for the event. The temporary retail license fee is \$25.00 per day. Ms. Parks said that PADA is a non-profit organization that promotes the antique business. The Board of Directors of PADA recently passed a resolution to create a fund for a scholarship in fine arts to a high school graduate. The fee would be a hardship to the organization and prevent them from being able to fund the scholarship this year. Ms. Parks added that the event would not burden Borough services.

Mr. Daubert asked if a fee had been paid by the vendors and Ms. Parks replied that the vendors are charged a fee by the Association.

Mr. Filippelli asked if the event was planned to take place at this location in 2008. Ms. Parks noted the Association would like to keep it in State College.

Mr. Humphrey noted that the temporary retail fee has been on the books since 1982 and the antique show has been taking place for many years. He asked if the fee had been paid in the past. Ms. Parks replied that the show had been out of service for a few years and then it was held in another township for several years. Mr. Groff added that when the show was previously held in the Borough, Council did not charge the fee because it was viewed as a philanthropic purpose. However, the business privilege tax license requirement applied to the show and the vendors paid taxes according to their sales at the show. The business privilege tax was one of the reasons that the show was moved out of the Borough. Last year the event took place at the school but the school did not inform the vendors or the PADA about the license requirements. The Borough staff was unaware of the event.

Mr. Hahn asked if the Arts Festival vendors paid the fee. Mr. Fountaine replied that each vendor was charged the fee.

Mr. Filippelli noted this was a worthwhile show which he had attended in the past but said he believed it was a for-profit event for those vendors that attend and was not a charitable undertaking. Granting the waiver could encourage other groups to request a similar waiver. He said it was important to maintain consistency in the policy and said he would be opposed to granting the request.

Anita Genger, 400 S. Gill Street, said that although she was not involved with this show, the economic status of the antique trade is bleak. The road shows are the top of the trade. Most who operate an antique business do not intend to make a living but rather a supplemental income. Trade shows are going out of business because vendors cannot afford to pay for transport of the goods. Borough officials have indicated that they would like to bring more cultural events into the Borough and this show will do that.

Ms. Goreham stated that she had attended the antique show and felt that it was a very good show with vendors bringing affordable antiques. Ms. Goreham moved to grant the waiver for one year to demonstrate the benefit the show would be to the Borough. Mr. Humphrey seconded the motion. The vote on the motion was 2-5-0, with Mr. Hahn, Mr. Kern, Ms. Dauler, Mr. Daubert, and Mr. Filippelli opposed. The motion failed.

Ms. Dauler asked if there were other members of the public who wished to speak during the public hour. Eric Boelt, 400 S. Gill Street, asked the historic district walking tour brochure be made available on the Internet. Mr. Hahn asked that the curb extension presentation be made available on the web site as well.

There being no further comments, Ms. Dauler closed the public hour.

PUBLIC HEARINGS

2008 Consolidated Annual Action Plan. Ms. Dauler said the 2008 Consolidated Annual Action Plan provides details on proposed projects for federal Community Development Block Grant and HOME grant money during fiscal year 2008. The CDBG Citizens' Advisory Committee reviewed the Plan at its meeting of September 10 and recommended it be approved by Council. Ms. Dauler noted the Plan is available for public review in the Planning Office of the State College Municipal Building and at Schlow Centre Region Library, 221 South Allen Street, through November 5, 2007.

After the public hearing, Ms. Dauler noted, Council may approve the Plan at its November 5 meeting following the mandatory public review period. The Plan must be submitted to the U.S. Department of Housing and Urban Development by November 15, 2007.

Ms. Dauler asked if there were any comments from the public. There being none, Ms. Dauler closed the public hearing.

Mr. Daubert asked staff to provide a report to Council on the justification for funding of the human service agencies. He noted that some of the agencies were funded at the amount requested while one was not. Mr. Kurtz said staff would prepare a report for Council.

2007 Consolidated Plan Amendment. Ms. Dauler said that there are currently four potential homebuyers for the Borough's low-income First Time Homebuyer Programs. However, there is not sufficient funding to provide assistance to all of these buyers unless funding is reprogrammed. The proposed amendment reprograms \$60,000 in CDBG funding from the owner-occupied rehabilitation program to the low-income First Time Homebuyer Program. This will enable the Borough to provide mortgage subsidy to one additional buyer and cover the closing costs on three transactions. After funding the two owner-occupied rehabilitation projects that are currently in progress, there is a balance of \$207,000 in this program. Reprogramming \$60,000 will leave a balance of \$147,000, which is sufficient to fund four to five households in 2008. This is in line with the Borough's goals from its five-year Consolidated Plan and current demand. The CDBG Citizens' Advisory Committee unanimously approved this amendment at their meeting of September 10, 2007. Council will take action on this at the November 5 meeting, following a mandatory review period.

Ms. Dauler asked if there were comments from members of the public. Mr. Humphrey noted the First Time Home Buyer program would continue to provide rehabilitation costs for home owners. Therefore, this would help to provide rehabilitation costs for the conversion of rental properties to single family homes. Mr. Filippelli added that a recent report from the Planning Department stated that two single-family homes had been converted to rental properties. To reverse this trend, he encouraged continued funding for the First Time Home Buyer program.

Mr. Daubert asked if the maximum amount allowable was funded to human service agencies. Ms. Hoover noted that 15 percent of the following years funding was permitted. Mr. Daubert asked what would happen if the funding level would increase. Ms. Hoover noted that additional funding could be allocated to human services. Mr. Daubert encouraged staff to fund the human service agencies at the maximum amount permitted.

Ms. Goreham noted that funding for Temporary Housing Foundation and the State College Community Land Trust was modest in comparison to the First Time Home Buyer program and the rehabilitation programs. Ms. Hoover noted that the budgets for both Temporary Housing and the Land Trust were sufficient for their operating needs for the next year.

There being no further comments, Ms. Dauler closed the public hearing.

CONSENT ITEMS

Mr. Hahn moved and Mr. Kern seconded a motion to approve the following consent items. The motion passed unanimously.

- Carnival in the Westerly Parkway Shopping Plaza for Tuesday, October 9 through Saturday, October 13, to benefit the State College Area High School Master Singers and Music Boosters.
- March for the State College Area High School Marching Band from the High School on Westerly Parkway to the carnival (listed above) on Wednesday, October 10 from 7:10 to 7:30 p.m.
- Request from the Centre Region Code Administration office for the use of Fraternity Row between Foster to Fairmount Avenues on Thursday, October 18, from 1:00 to 4:00 p.m. for Fire Safety Day.
- Request from the Centre Region Parks & Recreation to use various streets in the downtown for the Annual Halloween Costume Parade on Tuesday, October 30, from 6:00 to 8:30 p.m.
- Use of the Council Chambers for Scott Conklin to hold a public hearing on House Bill 1129 on Sexual Violence Awareness Education on Thursday, October 11, from 10:30 a.m. to 12:00 p.m.
- Award a bid for Project 22-2007 Compost Screen Concrete Pads to John Claar, the low bidder, for a total amount of \$57,747.15.

GENERAL POLICY AND ADMINISTRATION

Ordinance for the Conduct of First Night. Ms. Dauler noted that a request had been received from the Central Pennsylvania Festival of the Arts to use public property for the conduct of this year's First Night® celebration. Activities include:

- ice sculptures and performances on the 100 and 200 blocks of South Allen Street, and horse-drawn carriage rides to and from Central Parklet on Saturday, December 31;
- a grand procession on Foster, Fraser, and Allen on December 31;
- a 5-kilometer run on College Avenue on December 31; and
- a 10-minute display of fireworks at midnight on December 31 in Community Fields.

Mr. Filippelli noted that he would be excusing himself from the discussion and abstaining from the vote because of his service on the Central Pennsylvania Festival of the Arts Board of Directors.

Mr. Daubert asked why Central Parklet would need to be closed on Thursday, December 27. Rick Bryant, Executive Director of the Central Pennsylvania Festival of the Arts, indicated that the use of the park was needed to construct the ice slide. This would not restrict the use of the park by members of the public.

Mr. Daubert also asked why the streets would need to be closed four days prior to the event. Mr. Bryant noted that they use the streets as little as needed but there would be some setup time required for the ice sculptures.

Mr. Kern moved to enact Ordinance 1877, designating the area and time during which these activities may take place, and waive Sections 203 and 204 of Chapter VI of the Codification of Ordinances, which prohibits fireworks in the Borough. Mr. Hahn seconded the motion. The vote was 6-0-1, with Mr. Filippelli abstaining.

2008-2012 Capital Improvement Program. Ms. Dauler reminded Council that they had received the 2008-2012 Capital Improvement Program at their meeting of August 20, 2007. Council reviewed the document at their meetings of September 10, 17, and 21, and held a public hearing on September 17. Both the Planning Commission and the Transportation Commission reviewed the Program and submitted comments which have been received.

During various work sessions, Ms. Dauler noted, Council requested the following changes be made to the proposed CIP:

- Revise ST941 – Bike Facility Improvements: Transfer \$25,000 from Prior Authority to ST093 Intersection Safety Improvements.
- Revise ST093 – Intersection Safety Improvements: Add \$25,000 for 2008 to be transferred from Prior Authority in ST941. The \$25,000 will be used to develop a comprehensive Pedestrian Safety Program that will include engineering, education and enforcement elements.
- Eliminate ST121 – On-Street Commuter Parking Multi-Space Meters.

- Revise OP052 – West End Improvements: Add \$500,000 to 2008 and change 2009 funding from \$6,000,000 to \$5,500,000
- Revise RP041 – Aquatics Facilities Replacement: Change 2008 and 2009 funding to include \$500,000 for each of those two years.

Ms. Dauler noted that in 2008, the capital expenditures will total \$5,695,739:

Streets	\$1,268,413
Storm Sewers	0
Buildings and Parks	409,300
Regional and Other Projects	2,667,200
Information Technology	190,000
Enterprise Funds	1,160,826
Total	\$5,695,739

She concluded that enterprise funds, community development block grant funds, bond proceeds, grants, and other miscellaneous sources will pay for all except \$1,366,163 of these costs. The balance will be covered by the Penn State in-lieu payment, interest, EMST earmark, and a transfer from the General Fund. The sanitary sewer, refuse, Bellaire Court, and parking projects are self-funded.

Mr. Kern moved to approve the Capital Improvements Program, as described. Mr. Humphrey seconded the motion.

Mr. Daubert moved to amend the motion to delete the language from PK083, Holmes Foster Master Plan relating to the dog park. Mr. Humphrey seconded the motion.

Mr. Hahn asked if this item would come back to Council. Mr. Fontaine explained it would return to Council for approval. He noted the original plan was completed by a group of students that may have included some elements that would not be incorporated in the final plan. Ms. Goreham noted that the dog park was a topic of concern with the neighborhood association.

The vote on the amendment made by Mr. Daubert was 6-1-0, with Mr. Hahn opposed. The motion passed.

Ms. Goreham noted the Transportation Commission had suggested that continuous traffic counts be conducted so that each year 25 percent of the Borough could be done until all the streets had up-to-date counts.

Council voted on the main motion to approve the Capital Improvement Plan with the amendment. The vote was 7-0-0; the motion passed.

Holiday Parking. Ms. Dauler said the Downtown State College Improvement District has requested to continue the holiday parking program as it has been done in previous years. This would include free parking at all municipal lots and garages from 5:00 p.m. to 10:00 p.m., and at all parking garages on Saturdays from 11:00 a.m. to 10:00 p.m., from November 22, 2007, through January 1, 2008. Downtown State College has also requested the holiday courtesy parking program be done again this year.

Mr. Hahn moved to approve the free holiday parking and the courtesy parking program for the 2007 holiday season. Mr. Kern seconded the motion, which passed unanimously.

Agreement to Purchase the Property at 224 South Allen Street. Ms. Dauler noted that, recently, Verizon listed its property at 224 S. Allen Street for sale with a local real estate firm at an asking price of \$850,000. The potential sale of the property presents the Borough with an opportunity to acquire the site as a part of the Borough's ongoing efforts seeking redevelopment that is consistent with the Downtown Vision and Strategic Plan. The property sits on the border between planning areas 4 and 5 as identified in that plan which calls for uses in Area 4 that contribute to uses for all ages while the plan calls for uses in Area 5 that are civic in nature. The plan also identifies a specific need for a children's science center in Area 5.

Ms. Dauler continued that the Borough and Verizon Pennsylvania, Inc. have agreed to terms for the sale of the property. An agreement of sale has been prepared, under which the Borough would pay \$750,000 for the property. This purchase price is in line with a Borough obtained independent appraisal. The language of the agreement of sale has been a matter of extensive negotiations between the Borough and Verizon and the Borough wishes to take this opportunity to thank Verizon for its public spirit in selling the property to the Borough below its asking price.

Ms. Dauler stated, while the Borough does not have a specific plan for the use of the site, Council considers the opportunity to acquire the site as an important step in fostering the development of additional housing alternatives, including owner-occupied housing, in the downtown.

Ms. Dauler concluded by stating Council has also been aware of efforts on the part of the Board of Directors of the Discovery Space of Central Pennsylvania to acquire this site for use as an interactive children's museum. Although the use of this site may support multiple uses and

Council has not yet discussed the ultimate use of the property, Council is expected to work closely with the Discovery Space board so that the children's space is part of any future development plan for this site.

Mr. Kern moved and Mr. Humphrey seconded a motion to approve the following:

- Agreement of Sale and authorize the officers of the Borough to execute documents in connection with the transaction
- Establish an account in the Capital Projects Fund for this transaction
- A temporary interfund loan to the Capital Projects Fund for this property
- Staff be directed to work with the Redevelopment Authority with Planning Commission review to plan for the development of the site.

The vote on the motion was 7-0-0; the motion passed.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Ms. Dauler announced an executive session held Wednesday, September 26, 2007, at 3:00 p.m. to discuss litigation.

Regional Liaison Reports. Mr. Kern reported the COG Code Committee had been working with the water authority for several years to come to an agreement on small sprinkler systems. The Water Authority has required that sprinkler systems would have a dedicated water line. However, after several meetings, the Water Authority recently voted to approve changing the sprinkler requirements so that small buildings can have sprinklers on the same water service as the house. He noted that sprinklers will become an option that was not available. He added that this puts two agencies (Code Administration and the Water Authority) in accordance on how to deal with fire suppression systems.

There being no further discussion, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary