

Meeting Minutes
State College Borough Council
October 15, 2007

The State College Borough Council met in a regular meeting on Monday, October 15, 2007, in the State College Municipal Building Council Chambers, 243 South Allen Street, State College, PA. Mr. Welch called the meeting to order at 7:30 p.m.

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

Also present: Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Borough Solicitor; Thomas S. Kurtz, Assistant Borough Manager; Roger A. Dunlap, Assistant Borough Manager; Carl R. Hess, Planning Director; Lu Hoover, CDBG Planner; Mark Whitfield, Public Works Director; Amy J. Story, Borough Engineer; Thomas Hart, Police Lieutenant; Beth Johnston, Human Resources Director; Michael Groff, Finance Director; Cynthia S. Hanscom, Assistant Borough Secretary; members of the media; and other interested observers.

Mr. Welch began with a moment of silence and the Pedge of Allegiance.

Public Hour. There were no speakers wishing to be heard during the public hour.

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

- Vouchers for the month of September 2007 in the amount of \$2,176,638.71.
- Use of of the 100 block of South Fraser Street on Wednesday, October 31, 2007, from 9:30 to 11:00 a.m. for the Groundbreaking Ceremony for Fraser Centre.
- Use of the sidewalks at corner of the 200 block of South Allen Street (in front of Schlow Centre Region Library) for the "You Are Beautiful" event on Saturday, October 20, 2007, from 2:00 to 4:00 p.m.
- Accept a resignation, with regret, from Shirley Palermo from the Design Review Board, effectively immediately.
- Designate Thomas Fountaine as the voting delegate for the 2007 National League of Cities Annual Business meeting on November 17 in New Orleans, Louisiana.
- Minutes for meetings held in September 2007.

September 10, 2007	Work Session
September 17, 2007	Regular Meeting
September 21, 2007	Work Session

GENERAL POLICY AND ADMINISTRATION

Resolution to Distribute State Aid for Pensions. Mr. Fountaine said that each year the Borough receives money from the state to assist in meeting pension obligations. In 2007, the Borough received \$904,202.29 to be distributed between the police and general government employees' pension funds. This compares to the budgeted state aid revenue of \$883,651. In accordance with Act 205, distribution of the funds must take place by Resolution. Based on the 2007 Mimimum Municipal Obligation filed with Council in September, 2006, and the 2007 budget, \$416,831 is allocated for the police pension plan and \$487,371.29 is allocated for the general government pension plan.

Mr. Kern moved to approve Resolution 947 to distribute state aid to the Borough's police pension fund and the Borough's general government employees' pension fund. Mr. Humphrey seconded the motion. The motion passed with a 7-0-0 vote.

REGIONAL ISSUES

Fire Protection Agreement and Ordinance. Mr. Fountaine explained the Joint Articles of Agreement for the Fire, Rescue and Related Services and the Ordinance for Fire, Rescue and Related Services (recognizing the Alpha Fire Company, stating duties and activities of the fire

company and adopting the Joint Articles of Agreement) were received at the Centre Region Council of Governments (COG) General Forum meeting of August 27, 2007, and referred to the participating municipalities for adoption by November 5, 2007.

Ms. Dauler moved to enact Ordinance 1878 and authorize the President of Council to sign the agreement on behalf of the Borough of State College. Mr. Humphrey seconded the motion, which passed with a 7-0-0 vote.

Sewage Management Program Ordinance. Mr. Fontaine reminded Council that, in October 2006, the Centre Region municipalities adopted an update to the Act 537 Sewage Facility Plan, which was subsequently approved by the Pennsylvania Department of Environmental Protection. The plan includes the adoption of an ordinance to establish a Sewage Management Program requiring regular inspections of on-lot septic systems in the Centre Region. The COG General Forum referred the ordinance to the participating municipalities at its meeting of August 27, 2007.

Mr. Welch asked how many on-lot septic systems were in the Borough. Mr. Fontaine answered that there were five or six properties with private systems.

Ms. Dauler moved to enact Ordinance 1879 to establish a Sewage Management Program. Mr. Kern seconded the motion. The vote on the motion was 7-0-0 in favor.

PLANNING, ZONING AND COMMUNITY DEVELOPMENT

2007 Consolidated Plan Amendment. Mr. Fontaine said the Community Help Centre, one of the agencies that received 2007 CDBG public services funding, notified the Borough it will not be expending its 2007 grant which totaled \$4,476. The CDBG Citizen's Advisory Committee unanimously approved an amendment at its October 8, 2007 meeting to reallocate the funds evenly among the remaining seven programs that received grants in 2007. Council is asked to receive the amendment and schedule a public hearing for November 5, 2007. Action will be scheduled for November 19, following a mandatory review period.

Mr. Kern moved to receive the amendment and schedule a public hearing for November 5. Ms. Dauler seconded the motion, which passed unanimously.

Expanding the Commercial Incentive Zoning District and Changing Permitted Building Height in a Portion of the General Commercial Zoning District. Mr. Fontaine said Council discussed the Planning Commission's recommendation for zoning changes to downtown planning areas 2 & 3 at their meeting of July 9, 2007. Council made several changes to the text of the proposed amendment as they relate to the Signature Development Project regulations. The proposed ordinance would:

- apply Commercial Incentive zoning and the Signature Development Project conditional use to the two blocks between Garner and Hetzel;
- revise the Signature Development Project regulations; and
- revise the height regulations in the block between Hiester and Garner.

Mr. Fontaine reminded Council they had referred the revised ordinance to the Borough, Centre Regional and Centre County Planning Commissions for review and comment. Because the change permits a sufficient increase in the development potential in the affected area, the Development of Regional Impact (DRI) review process was completed at the September 24 meeting of the COG General Forum.

Mr. Fontaine also reported that on October 10 the State College Planning Commission discussed the proposed changes to the text of the zoning amendment. Several motions were made regarding the zoning text changes and other aspects of the rezoning. None of these motions received a majority vote. There was, however, a substantial degree of consensus among the members that it is imperative to complete a master plan for Calder Way prior to enacting substantial changes to the zoning of parcels that abut Calder. The Commission noted that they had recommended that Council include funding in the 2008-2012 Capital Improvement Plan for such a study.

Mr. Kern moved to receive the proposed ordinance amendment and schedule a public hearing for enactment at the November 5 meeting. Mr. Humphrey seconded the motion.

Ms. Goreham noted that the Planning Commission's discussion included waiting on these zoning changes until a master plan for Calder Alley could be done. She agreed that these changes would impact the Calder Alley and thought it might be best to wait. Ms. Goreham also noted that, although she liked the proposal for a hotel in this area, Garner Street was very narrow between Beaver and College and suggested that it be widened if development were proposed. Ms. Goreham asked if an upgrade to the sewer lines would be necessary. Mr. Hess said there was capacity in the sewer lines; based on the analysis the only upgrade needed would be in the water lines. Some of the upgrades are already proposed within the water authority capital budget.

Mr. Kern said he would not delay approval until the Calder study was completed. He added that he would hate to see another hotel project moved out of the downtown. Mr. Humphrey agreed, stating that this motion only approves scheduling the hearing.

Mr. Hahn said he was opposed to this ordinance because the height allowed in the signature development would allow for a 145 foot building, which is twice that of most buildings in the downtown. This area did not have the same topography protection in place for the adjacent owner-occupied properties in the Highlands that was in place in the Fraser Street corridor.

Mr. Hahn said he was also opposed because the incentives provided in the Commercial Incentive District allowed for a reduction in parking requirements. Again, this incentive made sense for the Fraser Street corridor because of the proximity to public parking facilities; however, parking reductions would not be appropriate for the east end of town where there are limited public parking facilities.

Mr. Daubert said he was not opposed to the ordinance but believed the zoning amendment needed to be made available to the public in a written form that was understandable. He suggested the ordinance be presented and made available to the public showing the existing language, proposed language shown in another color or font, and deleted language shown with a strike-through. Mr. Fountaine said he would make that available.

Mr. Goreham moved to amend the motion to reduce the height permitted to 45 feet instead of 65 feet for properties located between Garner and Heister Streets. Mr. Hahn seconded the motion.

Mr. Fountaine explained that modifying the zoning amendment at this point in the process would require that the ordinance be returned to the Planning Commission for comment. Mr. Williams noted that any change made without going through the complete review process would create a basis for a challenge to the zoning amendment.

Ms. Dauler said she believed this ordinance had been discussed by Council and it was now time to move forward.

Mr. Kern said he would want the height to be a 65 feet. He did not believe the higher buildings would overshadow the single family homes in the Highland neighborhood. He believed it would allow the property owners to develop the properties in ways other than the typical cinder block buildings that are there now. He said he would feel differently if the buildings were historic and there was something there that needed to be protected.

Ms. Goreham agreed that it was time to move forward with this proposal but felt that a process should be adopted so that Council members feel more fully informed and consulted in the process.

Council voted on the amendment moved by Ms. Goreham. The vote was 2-5-0, with Mr. Filippelli, Mr. Daubert, Ms. Dauler, Mr. Kern, and Mr. Humphrey opposed. The motion failed.

Council then voted on the original motion to receive the ordinance and schedule a public hearing and enactment for November 5. The vote was 6-1-0 with Mr. Hahn opposed; the motion passed.

Rezoning of Properties in the 200 Block of East Beaver Avenue. Mr. Foutaine explained that Council received a report from the Planning Commission at their work session of October 8 on the rezoning of properties located in the R-2 zone along the 200 block of East Beaver Avenue. Council is asked to officially receive the report and take action. The recommendation from the Planning Commission was to take no further action to rezone the properties at this time.

Mr. Humphrey moved to formally receive the Commission's report and to take no further action to rezone the properties in the 200 block of East Beaver Avenue at this time. Ms. Goreham seconded the motion, which passed unanimously.

OFFICIAL REPORTS AND CORRESPONDENCE

Open Agenda. Mr. Fountaine noted that this was an opportunity for Council members to raise issues not scheduled on a future agenda.

Ms. Goreham said that other cities and towns have programs in place to promote art in public places. She reviewed several examples of how money is collected as development fees or sales tax to cover the cost of providing art. Some communities allow the money to be used to provide art as part of the development project or the money can be used to provide art regionally. She noted that many cities have very ambitious programs. She said she believed State College could benefit from such a program. There are studies that show that art brings people into town and it is an economic generator. Public art establishes a sense of pride with the residents and has many other benefits. She asked that this be placed on a future agenda for discussion. Mr. Welch noted that the art currently in place in the Borough, such as the pictasaurus in Fraser Plaza, the eagle now in front of the Municipal Building, the Warwick stone (totem pole) at the Pugh Street garage, and lipstick sculptures on College Avenue, were all funded privately. Ms. Goreham noted that an art in public places program would create an on-going income stream to purchase and

maintain the art; therefore, it would not be a burden on the operating budget. Mr. Filippelli supported Ms. Goreham's suggestion.

Mr. Daubert asked that the codification changes for the property maintenance code be included in a work session prior to enactment so that Council has the opportunity to discuss the changes. He noted that the Borough has several changes that do not apply to the entire Centre Region.

Mr. Daubert also noted that there were several tasks to be completed by the end of the year by the Delta consultants on the West End report. He asked that time be set aside on work session agendas for discussion of these issues

Mayor's Report. Mr. Welch reported he had participated in Penn State's Homecoming Parade last week.

President's Report. Ms. Dauler announced an executive session to be held following this meeting to discuss personnel matters and litigation. Ms. Dauler also announced the cancellation of the October 26, 2007, work session.

Staff/Committee Reports. Mr. Fontaine introduced Roger Dunlap, Assistant Manager for Budget and Administration. He noted that Mr. Dunlap started that day and came to the State College from the Borough of Oakmont.

There being no further business, the meeting adjourned to an executive session at 8:03 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary