

Meeting Minutes
State College Borough Council
November 5, 2007

The State College Borough Council met in a regular meeting on Monday, November 5, 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; Herman L. Slaybaugh, Zoning Officer/Planner; Lu Hoover, CDBG Planner; Mark A. Whitfield, Public Works Director; Amy J. Story, Borough Engineer; Thomas R. King, Chief of Police; Alan W. Sam, Borough Arborist; Beth A. Johnston, Human Resources Director; Michael S. 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 Pledge of Allegiance.

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

PUBLIC HEARING

Zoning Amendment: Expanding the Commercial Incentive Zoning District and Changing Permitted Building Height in a Portion of the General Commercial Zoning District. Mr. Fountaine said that at its July 9, 2007, work session, Borough Council discussed the Planning Commission's recommendations for zoning changes in the downtown planning areas 2 and 3. The Council made several changes to the text of the proposed amendment as they relate to the Signature Development Project regulations. The proposed ordinance as advertised for this hearing 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 said that following the discussion on July 9, there was a consensus of Council to refer the revised ordinance to the Borough, Centre Regional and Centre County Planning Commissions for review and comment. The proposed zoning changes permit a sufficient increase in the development potential in the affected area to trigger the Development of Regional Impact (DRI) review process. This review was completed at the September 24 meeting of the COG General Forum. The Borough Planning Commission reviewed the ordinance at the October 15 meeting, and failed to come to a consensus on a recommendation. There was sentiment on the Planning Commission that a master plan should be completed for Calder Way prior to enacting substantial changes to the zoning of parcels that abut the alley.

Mr. Fontaine asked Mr. Slaybaugh to provide an overview of the ordinance. Mr. Slaybaugh explained that there were four sections of the ordinance. The first would extend the Commercial Incentive Development from Garner to Hetzel Streets between College Avenue and Calder Way. Secondly, the ordinance would allow for signature developments within the Commercial Incentive District. Signature developments must be mixed use with 40 percent of the development as commercial. This would allow for a building up to 145 feet. Mr. Slaybaugh noted that the signature development would require the developer obtain conditional use approval. The third part of the ordinance changes the standards for conditional use by allowing council to waive upper story step backs if the developer can show that strict adherence to the step back would be a design impediment or if the developer created a midblock pedestrian walkway. The fourth part of the ordinance would increase the building height permitted along College Avenue between Garner and Hiester Street from 45 feet to 65 feet.

Michael Freeman, 126 West Marylyn Avenue, said he was a former Planning Commission member that had worked on the commercial incentive district regulations for several years. He noted that Fraser Centre was the first project to be built under the commercial incentive regulations. It was a project that would create a new direction for the Borough by increasing revenues and creating a signature building. He said Fraser Centre was an efficient use of the land because a greater number of households would be served with less land. The proposal for the hotel within the proposed rezoning area (Garner to Hetzel Street) would add amenities to the downtown including a green building and a rooftop restaurant. He said he believed this development would help to diversify the town core. He urged Council to approve the rezoning.

Ed Olsen, architect representing the developer for the hotel project (Charles Herlocher), urged Council to approve the rezoning. The approval would improve the east end of the downtown and the commercial incentive would allow for a variety of businesses and housing. He said his client hoped to redevelop the property into an upscale hotel with first floor retail, a rooftop restaurant, and two floors of owner-occupied housing. The plans would incorporate a pedestrian mall between College Avenue and Calder Way. He encouraged Council to support this type of redevelopment in the downtown.

Charles Gable, 1121 S. Atherton Street, noted that he was a member of the Planning Commission and that this issue has been before the Commission for some time. Although the Commission was divided on the recommendation to Council, some felt it

was important to study the Calder Way area before proceeding while others felt it was important to move forward now. He said that he supported this rezoning. The proposed development was a private venture with public influence, exactly what the Commission hoped to see with the commercial incentive district regulations, he stated. He encouraged Council to pass the rezoning.

There being no further public comments, Mr. Welch closed the public hearing for the rezoning.

2007 Consolidated Plan Amendment. Mr. Fontaine said that 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 hold a public hearing to take comment on the amendment. Action is scheduled for November 19, following a mandatory review period, he concluded.

Mr. Welch asked if there was public comment on the amendment. There being none, he closed the public hearing.

Consent Items. Ms. Dauler moved and Mr. Hahn seconded a motion to approve the following consent items; the motion passed with a 7-0-0 vote.

- Appoint the following individuals to various ABCs:

Name	ABC	Term To Expire
Jordyn Drayton	Transportation Commission	December 31, 2009
Jean Najjar	Historic Resources Commission	December 31, 2010

- Approve the Borough’s participation in Lights Out America 2008.
- Authorize the closing of Calder Way for building demolition in relation to the Fraser Centre project.
- Approve a resolution for the installation of flashing warning devices at the corner of Blue Course Drive and Bayberry Drive.
- Approve the following minutes for meetings held in October 2007.

October 1, 2007	Regular Meeting
October 8, 2007	Work Session
October 15, 2007	Regular Meeting

Mr. Daubert asked the cost of the warning devices to be placed at the corner of Blue Course Drive and Bayberry Drive. Ms. Story noted that they would not be expensive, no more than \$2,000.

ABC REPORTS

Design Review Board. Mr. Fontaine indicated that Council was to have received a report and 2008 work program from the Design Review Board; however, Kevin Gombotz, Chair of the Commission, could not be in attendance. Council asked that this be placed on a future agenda.

Transportation Commission. Mr. Rick Hirsch, Chairman of the Transportation Commission reported on the work of the Commission over the past 6 months and presented the 2008 work Plan. He explained the Commission had begun conversing with PennDOT about a pedestrian island on Atherton Street at Foster Avenue. In the next year, he said the Commission will take a proactive look pedestrian safety issues and identify specific locations in town where there are safety issues. The Commission hoped to work with the Centre Area Transportation Authority (CATA) on a fare buydown program and with CATA's assistance make a final recommendation for the reconstruction of intersection of Atherton/Allen. The Commission would continue their work with traffic calming and review transportation improvement projects as part of West End development, he concluded.

Tree Commission. Vice Chair Mark McGill reported on the activities of the Tree Commission and presented the 2008 work program. The main achievements in the last year were the completion of the Municipal Tree Plan which he credited much of the work to Borough Arborist Alan Sam. This plan will guide the management and operation of all aspects of trees in the Borough. The 2008 work program included routine tasks as well as looking at the Holmes Foster Park revegetation plan in relation to recommendations from the Capital Improvement Program. In addition, the Commission would consider a streetscape project for the 100 blocks of College Avenue and the South Atherton Street corridor, he concluded.

Mr. Humphrey voiced his concern that the trees in Holmes Foster Park were 75 years old. Mr. McGill said that some of the oak trees were in decline and the soil contained diseases that affect the root system. Safety is a concern for the public when the trees have these problems. Mr. Sam noted that staff evaluates the trees in the park on a regular basis. Some of the trees are close to 100 years old. Thirty trees were removed from the park because of the deteriorating root system. It was proposed to start planting replacement trees now so that the ambience of the park is not lost.

Ms. Goreham asked if the Borough was committed to planting native trees. Mr. McGill noted the tree plan includes a list of trees that are planted. A large majority is native but the Commission does considered cultivated varieties as well.

Mr. Kern asked if the right-of-way would be adequate on South Atherton Street to plant trees. Mr. McGill replied that the Commission had looked at the area briefly and

believes there were some large grass areas that could include trees of significant size; the major concerns that would need to be addressed is the clearance. He added that Commission wanted trees to thrive and the underground infrastructure would play a part in the viability of the trees. Mr. McGill added that he hoped to work with College Township to continue a streetscape as an entrance to town. Mr. Hahn encouraged coordination with College and Harris Townships as this entrance to town was the most consistent and less jarring than the others.

GENERAL POLICY AND ADMINISTRATION

Local Services Tax (LST) Ordinance. Mr. Fountaine noted that in June 2007, a bill was signed into law that changed the name of the Emergency and Municipal Service Tax (EMST) to Local Services Tax (LST). The bill did not change the amount of tax permitted to be levied but did change the collection procedures. Copies of the proposed ordinances repealing the EMST and adopting the LST were distributed to Council with the agenda for this meeting.

Mr. Daubert moved to receive the ordinance and schedule enactment for November 19. Mr. Humphrey seconded the motion, which passed unanimously.

Ordinance for Intergovernmental Agreement for Central Booking. Mr. Fountain said that Council is being asked to approve an ordinance to approve and authorize the execution of an intergovernmental agreement to establish, fund and maintain a joint centralized booking program by Centre County. The municipalities of State College Borough, Ferguson Township, Patton Township, Bellefonte Borough, and Spring Township, and the Pennsylvania State University have agreed to establish, fund and maintain the program.

Ms. Goreham asked if the municipalities that contracted for police services with the Borough would share in the financial burden. Mr. Fountaine said that their portion of the tax cost would be built into the changes to College and Harris Townships. Mr. Fountaine said he believed that central booking would create a greater efficiency in booking of suspects which would allow officers to be back on the road quicker.

Mr. Kern asked how suspects would be transported from Centre County prison once they have gone through the booking process. Mr. King replied that once a suspect is taken to the booking center, the Borough's responsibility for that person is concluded. The individual would either be incarcerated overnight or arrangements would be made for someone to come and safely pick them up. Mr. Kern asked the procedure now if a person is booked and not incarcerated. Mr. King said that it would be the responsibility of the officer to see that the individual gets home safely by returning them home or having someone come and pick them up. Mr. Kern expressed concern that if an individual is booked at the Centre County Prison they may be forced to spend a night in jail because transportation is not available. He suggested that a van service be proposed to transport the defendants.

Mr. Filippelli asked if there would be a cost savings for the Borough. Mr. King noted that there would be no monetary savings but believed it would be a more efficient system because officers can be back on patrol much quicker. Mr. King added that in Centre county there were cases where individuals charged with a crime currently may not be fingerprinted. The central booking system would ensure that all defendants are processed. Mr. Filippelli asked how the booking costs would be covered. Mr. King explained that a substantial portion of the cost would be covered by the booking fees. The hope was that the full costs would be covered by the booking fees in the future.

Mr. Hahn moved to enact Ordinance 1881 to approve the central booking agreement and authorize the President of Council to sign the agreement on behalf of the Borough. Ms. Goreham seconded the motion. The vote was 7-0-0 in favor of the motion.

PUBLIC WORKS

Increase 2008 Sewer Tapping Fees. Mr. Fontaine explained that the University Area Joint Authority (UAJA) will be increasing their sewer tapping fee, effective January 1, 2008. The total tapping fee is comprised of both the Borough's portion and the UAJA's portion. The Borough collects the entire fee and forwards the appropriate portion to the UAJA. The UAJA is increasing their tapping fee from \$3,682 to \$3,818 per connection for residential uses and from \$15.79 to \$16.37 times the projected use measured in gallons per day for non-residential uses. In accordance with the Borough's agreement with UAJA, this tapping fee increase is to be incorporated into the total fee collected by the Borough.

Ms. Dauler moved to enact Ordinance 1882 to increase sewer tapping fees to incorporate the UAJA increase. Mr. Hahn seconded the motion, which passed with a 7-0-0 vote.

PLANNING, ZONING AND COMMUNITY DEVELOPMENT

Zoning Amendment: Expanding the Commercial Incentive Zoning District and Changing Permitted Building Height in a Portion of the General Commercial Zoning District. Mr. Fontaine noted that Council had received public comment on this ordinance earlier in the meeting. Staff has published a Notice of Intent to Enact if Council wishes to move forward with the ordinance. He said that Council could:

- approve the Zoning Ordinance amendment;
- direct staff to return the amendment to the Planning Commission for further review, along with comments identifying specific issues to be considered by the Commission;
- postpone action and schedule discussion at a future work session; or
- move to dispose of the amendment without approval.

He reminded Council that any modifications to the proposed amendment would require returning the entire amendment to the planning agencies for a mandatory 30-day review period.

Mr. Filippelli stated he was in favor of changing the CID zoning but had concerns about the block between Garner and Hiester. By changing the zoning, a developer could build a 65-foot building. Mr. Filippelli also asked if the street level would need to be commercial or retail. Mr. Slaybaugh indicated the Garner/Hiester area required pedestrian oriented uses with a 50 percent window opening on the front. Ms. Goreham noted that there were no pedestrian oriented frontage requirements for Calder Alley.

Mr. Hahn asked if there were limitations on height for owner-occupied housing. Mr. Slaybaugh explained there were no bonuses available as this area was zoned commercial and allowed a floor area ratio of 2.5. Mr. Hahn asked if the Meridian complex and other large structures in this area would be in compliance with the proposed ordinance. Mr. Slaybaugh noted that the Meridian (formerly Gateway) at 636 East College Avenue and Penn Towers at 255 East Beaver Avenue were built under different regulations in the C District that allowed taller buildings to be built as a special exception. Ms. Goreham asked the height of the hotel proposed for the Herlocher property. Mr. Olsen indicated it would be 105 feet.

Mr. Kern moved to enact Ordinance 1880 to expand the Commercial Incentive Zoning District and change permitted building height in a portion of the General Commercial zoning district. Mr. Humphrey seconded the motion. The vote on the motion was 6-1-0 with Mr. Hahn opposed.

Ms. Goreham stated that zoning is an important responsibility of Council because it affects the town. She expressed concern with the block between Hiester and Garner and the exclusion of a requirement for pedestrian frontages along Calder Way. Therefore, she moved to send discussion of adding pedestrian friendly use requirements along Calder Way and reducing the permitted height between Hiester and Garner to a work session. Mr. Hahn seconded the motion.

Mr. Hahn said that the old 45-foot height limit in the block of East College Avenue between Hiester and Garner was intended to preserve the nostalgia for returning alumni. He agreed that Council should take another look at the block before many of the current uses are removed to be replaced by larger buildings. Mr. Kern disagreed, stating that many of the buildings were cinder block structures built in the 1950s and 1960s as a strip mall building. The structures had no unique architectural features. He said he believed that Calder Way had been studied in great detail in the past. Recently, this Council had decided not to include pedestrian oriented frontages for Calder Way. The downtown plan says that Calder provided a useful delivery route for businesses fronting on College Avenue, he concluded.

Mr. Filippelli said that he would agree to discuss amenities in Calder Way but the height restriction for this block was a separate issue. Ms. Goreham agreed that the discussion for amenities in Calder Way could be coupled with other amenities for the Hiester Street block, including what is being proposed for the Cinema 5 complex.

Mr. Freeman indicated the Planning Commission had looked at Calder Way as a pedestrian oriented zone but felt that without sidewalks it would not be safe. There were many vehicles that use the roadway for unloading.

At the request of Mr. Welch, Ms. Goreham restated her motion to discuss pedestrian amenities for the Hiester Street area and Calder Way at a future work session. Mr. Hahn seconded the revised motion. The vote on the motion passed with a 4-3-0 vote, with Ms. Dauler, Mr. Kern and Mr. Humphrey opposed.

2008 CDBG/HOME Consolidated Plan. Mr. Fontaine 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. Council received the plan and held a public hearing at their meeting of October 1, 2007. The only comment made was that staff should provide an explanation on the funding of human services. A summary of human services funding for 2008 was distributed to Council with the agenda.

Mr. Fontaine noted that the CDBG Citizens' Advisory Committee reviewed the Plan at its meeting of September 10 and recommended it be approved by Council. The Plan was 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.

Mr. Humphrey moved to approve the 2008 CDBG/HOME Consolidated Annual Action Plan. Ms. Dauler seconded the motion, which passed with a 7-0-0 vote.

2007 Consolidated Plan Amendment. Mr. Fontaine said that Council received and held a public hearing on an amendment to the 2007 Consolidated Plan. This amendment proposed to reprogram \$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. The CDBG Citizens' Advisory Committee unanimously approved this amendment at their meeting of September 10, 2007.

Mr. Kern moved to approve the Consolidated Plan amendment. Mr. Humphrey seconded the motion, which passed unanimously.

Rezoning Request for 1300 South Allen Street. Mr. Fontaine explained that staff received a request from Fedon-Marcon-Fedon (FMF) Partnership requesting a rezoning for 1300 South Allen Street (most recently known as the Easter Seals Building). The applicant would like to rezone the property from residential to Planned Commercial (CP-2), which is the zoning in place for much of the businesses adjacent to the site, he noted.

Mr. Daubert stated that he was opposed to the rezoning because of the residential uses adjacent to the property. Although he agreed that the building was not suitable for

residential purposes, it was important to protect those residential properties adjacent to the site.

Mr. Kern asked if there was an option for the property to be rezoned Residential-Office. Mr. Slaybaugh noted that by referring this to the Planning Commission, they would look at other options. Mr. Kern asked that the Planning Commission consider other zoning options. Mr. Fountaine added that the request from the property owner did not specifically ask for CP-2 zoning but rather that consideration be given to rezoning it to a commercial zoning.

Mr. Hahn moved to refer the request to the Planning Commission for comment. Mr. Kern seconded the motion. The vote on the motion was 7-0-0; the motion passed.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch noted that there were two milestone events this past week. One was the groundbreaking of Fraser Centre, which was October 31. The second milestone was the groundbreaking for the arboretum, which was also October 31. He noted that both projects would be significant improvements to the community.

As the next day was Election Day, Mr. Welch reminded residents to vote. He noted that C-NET would be posting the county-wide election results on both the Channel 7 and Channel 98 bulletin boards.

President's Report. Ms. Dauler echoed Mr. Welch's comments about the groundbreaking ceremonies held the past week. She also announced an executive session to be held following the meeting to discuss real estate and litigation.

There being no further business, Council adjourned to an executive session at 8:46 p.m.

Respectfully submitted

Cynthia S. Hanscom
Assistant Borough Secretary