

**Meeting Minutes**  
**State College Borough Council**  
**March 3, 2008**

The State College Borough Council met in a regular meeting on Monday, March 3, 2008, in the State College Municipal Building, 243 South Allen Street, State College, PA. Mayor Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor  
Elizabeth A. Goreham, President of Council  
Ronald L. Filippelli  
Donald M. Hahn  
Theresa D. Lafer  
Silvi Lawrence  
Peter Morris  
James L. Rosenberger

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Carl R. Hess, Director of Planning/Community Development; Herman L. Slaybaugh, Zoning Officer/ Planner; Thomas R. King, Chief of Police; Michael S. Groff, Finance Director; Mark A. Whitfield, Director of Public Works; Roger Dunlap, Assistant Borough Manager for Budget and Administration; Beth Johnston, Thomas R. Kurtz, Assistant Borough Manager for Community Services; Anne Messner, Planning Technician; Cynthia S. Hanscom, Assistant Borough Secretary; members of the media; and other interested observers.

**PUBLIC HOUR**

**Proclamation for International Panhellenic Badge Day.** Mayor Welch presented a proclamation to the leaders of the Penn State Panhellenic Council in recognition of the International Panhellenic Badge Day on Monday, March 3, 2008. He recognized sororities in their efforts to provide achievement and friendship and encouraged all citizens to recognize their contributions made to the community.

**Presentation of Deed to Schlow Centre Region Library.** Mr. Welch and Ms. Goreham presented the deed for the property located at 221-227 South Allen Street to the Schlow Centre Region Library Board. Richard Weidhaas, President of the Schlow Centre Region Library Board of Trustees, and Betsy Allen, Executive Director of the library, accepted the deed.

**Resolution on the 5<sup>th</sup> Anniversary of the War in Iraq.** Jo Dumas, representing the State College Peace Center, presented a proposed resolution on the 5th anniversary of the war in Iraq, which would be March 18. The resolution honors the sacrifices of State College residents, and the residents of the surrounding communities, who have died, been injured, or otherwise had their lives disrupted by their service to our country both in Iraq and Afghanistan; supports the safe return of all our troops from Iraq as expeditiously as possible; and recognizes the State College Peace Center for organizing a vigil marking the fifth anniversary of the war at 5:00 p.m. on Wednesday, March 19, 2008, at the corner of College Avenue and Allen Street. Council was asked to consider the resolution at a future meeting.

Mr. Morris moved to consider the resolution at the meeting of March 17. Ms. Goreham seconded the motion, which passed with a 7-0-0 vote.

There being no other comments, Mr. Welch closed the public hour.

**PUBLIC HEARING**

**Rezoning Request for 1300 South Allen Street.** Council received a request from Fedon-Marcon-Fedon Partnership to rezone their property 1300 S. Allen Street (located at the southwest corner of the intersection of Waupelani Drive and South Allen Street). On January 14, Council referred the request to the Planning Commission for review and recommendation, and asked for the opportunity to discuss the rezoning at a future meeting.

Mr. Hess made a presentation to show the location of the site, the surrounding zoning, and the possible redevelopment that could occur if the property is rezoned from R-2 Residential to P-O Planned Office. Notices were mailed to residents and an open house was held on February 28. He also presented information on the number of vehicle trips that could be generated for daycare, medical office, general office, and apartment uses.

Mr. Fountaine distributed a written comment from Diane Bierly indicating her opposition to the rezoning.

Dick Gold, 134 E. Doris Avenue, spoke in opposition to the rezoning. He noted that the neighborhood consisted of 142 residential units that could be considered as affordable housing. He believed the homes would be threatened with the encroachment of commercial uses.

Harry Gill, 1344 S. Allen Street, stated he had attended the open house and believed the rezoning would not be detrimental to the neighborhood.

Carol Gold, 134 E. Doris Avenue, spoke in opposition to the rezoning. She said the worse case scenario, or in this case the highest use, would need to be considered. She believed the development of the site would split the neighborhood and would create a large looming presence. She said once an area is rezoned from R-2 Residential, it puts other abutting residential properties in jeopardy.

Gerald Myers, representing Richard & Marie Fedon, property owners, noted that the building had always been used as an office and was never residential. The intention was to rent the building as a day care or preschool to replace the tenant that left but because of the size, he said he believed a medical use, such as a doctor office, would be a benefit to the community. He noted that the Fedons were not developers and hoped to be able to rent the building.

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

Council discussed the rezoning and the possible redevelopment of the area. Council also considered delaying a decision on the rezoning.

Mr. Hahn moved to schedule the rezoning request for further discussion. Ms. Goreham seconded the motion, which passed with a 7-0-0 vote.

#### CONSENT ITEMS

Mr. Rosenberger moved and Ms. Goreham seconded a motion to approve the following consent items. The motion passed unanimously.

- Approve the use of various sidewalks in the Borough for the Cystic Fibrosis Foundation walk-a-thon on Saturday, April 26, 2008, from 9:00 a.m. to 2:00 p.m.
- Award a bid for the demolition of 201-213 West Beaver Avenue to Northeast Industrial Services Corp., the low bidder, for a total amount of \$88,740.00

#### ABC REPORTS

**Planning Commission.** Evan Myers, Chair of the Planning Commission, reported the Commission had been working on routine activities such as plan reviews and items referred from Council and the Centre Regional Planning Commission. In community planning, the Commission would continue their review and designation of certified redevelopment areas and continue their participation in the State College area land use plan. Within neighborhood planning, the commission was spending a great deal of time with the review of the proposed zoning from the West End revitalization plan. He noted that many proposed provisions are restrictive and allow little flexibility. Commission members were concerned with the complexity of the document and had prepared questions for the consultant.

Mr. Myers reminded Council that the Commission had asked Council to reconsider having the Commission look at updating the downtown plan. Commission members felt there was no real continuity with the plan and the Commission needed to consider how the West End would impact the downtown.

Council members expressed interest in seeing the Commission work on the downtown plan and suggested the Commission submit a modified work plan for Council's review. Some members of Council expressed concern with the amount of time it would take given that the Commission had many other issues they were working on.

Council raised some questions regarding the certified redevelopment areas and the role of the Commission, Council, and the Redevelopment Authority. Mr. Fontaine noted that a report from the Redevelopment Authority was scheduled to Council in May.

**Report from the Historic Resources Commission.** Rick Bryant, Chair of the Historic Resources Commission, provided an update to Council on the recent activities of the Commission. Other than routine activities, he noted a major project by the Commission consisted of surveying the properties built between 1944 and 1960 to determine if there is a need for an expansion or amendment to the two National Register districts. This would entail looking at building permit records and assessment of the architectural integrity of the buildings to determine if they would be contributing to the districts.

#### GENERAL POLICY AND ADMINISTRATION

**Legislative Priorities Update.** Council reviewed the list of 2007-2008 legislative priorities as amended based on the discussion at the February 19 meeting.

Mr. Filippelli moved to accept the list as presented. Ms. Lafer seconded the motion.

Mr. Morris moved to amend the priorities to to be less specific about health care legislation and to "support universal health care." Ms. Goreham seconded the motion. The amendment to the motion was approved with a 7-0-0 vote.

Council then voted on the main motion to accept the priorities. The motion passed with a 7-0-0 vote.

#### REGIONAL ISSUES

**Building Permit Fee Schedule.** Mr. Fontaine noted that the COG General Forum recommended the building permit fee structure be revised. As recommended by the Code Administration Committee, there would be an application fee of \$75.00, a plan review fee of \$60.00 per hour, and a field inspection fee of \$75.00 per inspection. As authorized by Ordinance 1786, enacted June 21, 2004, Council is permitted to amend the fee schedule by resolution.

Mr. Hahn moved to approve Resolution 962 amending the fee schedule. Ms. Lawrence seconded the motion. The motion passed with a 7-0-0 vote.

#### OFFICIAL REPORTS AND CORRESPONDENCE

**Mayor's Report.** Mr. Welch noted that the Borough was again inundated with drunkenness and arrests as a result of the St. Patrick's day celebration that was rescheduled to the previous weekend. He suggested the students that organized the event remember the words from the Penn State alma mater "that no act of ours bring shame..."

**President's Report.** Ms. Goreham announced an executive session to be held following the meeting to discuss personnel matters.

Ms. Goreham also recognized Jamie Cook, a production intern for the last two years as a volunteer with C-NET.

**Regional Liaison Reports.** Mr. Morris reported that CATA held their public meeting where a large number of people provided suggestions. One complaint was related to snow removal at bus stops.

**Staff/Committee Reports.** Mr. Kurtz reported on the rental housing inspection study progress report on withdrawal from the program with the Centre Region Code Administration. The progress report was focused on the history of the program and what the Borough has done in ordinance enforcement and health. Staff would be looking at staffing and budget concerns in the second phase. Issues identified included direction of the program, procedural concerns, confusing and incomplete data, missing elements from the mission statement and duplication of efforts. He noted that staff would report to Council by May 1.

**Westerly Parkway Storm Basin Wetland Project.** Mr. Whitfield reminded Council that this project had been delayed last year when the School District cancelled the high school project. There was a need to do something to eliminate the flooding that was occurring at the north building and the Borough was interested in doing something as a part of a wetland project. There would be an opportunity for a growing greener grant. This would require a discussion with the School Board which was scheduled for March 24. The grant would mean a commitment from the Borough in the 2009 budget year.

#### ITEMS OF INFORMATION

Council received copies of the spring edition of the Borough's newsletter.

Ms. Goreham reported she had just returned from my her first meeting of PLCM board and would provide a report at the next meeting.

There being no further business, the meeting adjourned to an executive session at 9:00 p.m.

Respectfully submitted,

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Cynthia S. Hanscom  
Assistant Borough Secretary