

Meeting Minutes
State College Borough Council
April 21, 2008

The State College Borough Council met on Monday, April 21, 2008 in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Mayor Welch called the meeting to order at 7:30 pm.

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

Also present: Terry J. Williams, Solicitor; Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Borough Manager for Community Services; Carl R. Hess, Planning Director; Roger Dunlap, Assistant Borough Manager for Budget and Administration; Mark Whitfield, Public Works Director; Michael Groff, Finance Director; Police Captain John Gardner; 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 comments from members of the public.

Consent Items. Ms. Goreham moved and Ms. Lafer seconded a motion to approve the following consent items. The motion passed unanimously.

- Approve Vouchers for the month of March 2008 for the Borough of State College in the amount of \$1,829,371.44.
- Appoint Elizabeth Goreham as the Borough's voting delegate for the Pennsylvania League of Cities and Municipalities 109th Annual Convention, and appoint Don Hahn as the alternate voting delegate.
- Approve the use of Locust Lane between College Avenue and Calder Way for Bike to Work Day activities on Friday, April 25, 2008, from 7:00 a.m. to 4:00 p.m.
- Approve the use of Calder Way between Pugh and McAllister Streets, Heister Street between College Avenue and Wilson Alley, and Allen Street between College and Foster Avenues for the Summer's Best Music Fest and Street Bazaar on Saturday, June 28, 2008, from 6:00 a.m. to 10:00 p.m., conditioned that Calder Way remain open for emergency vehicles on Heister and Allen Streets.

- Approve the use of Allen Street between Beaver and Foster Avenues for the Best of the Best car show for the Centre County Youth Service Bureau on Sunday, July 27, 2008, from 4:00 p.m. to 10:00 p.m.
- Approve an easement and maintenance agreement with Jeramar Enterprises for a proposed construction project at 226-232 South Allen Street, subject to the Solicitor's approval.
- Approve a contract with Statewide Tax Recovery for the collection of delinquent taxes.
- Approve Resolution 967 to apply for a Pennsylvania Department of Natural Resources Partnerships Grant to enhance the Westerly Parkway Detention Basin.
- Approve the hiring of a summer intern for the Department of Ordinance Enforcement and Public Health.

Council discussed the license agreement with Glenn O. Hawbaker, Inc., to construct and operate a land excavation recycling center on property owned by the Borough of State College in Patton Township. Council raised concerns with the environmental issues of the project. Specifically, the need to mitigate the dust and the noise of operation. It was suggested that the proposal be sent to Patton Township for their comment. Staff noted that Patton Township officials were aware of the project and had rezoned this property to allow for the use. Mr. Williams stated that the hours of operation could be a negotiated issue but dust mitigation measures would be regulated by the Pennsylvania Department of Environmental Protection. That agency would require that dust not be permitted to leave the site.

Ms. Lafer moved and Mr. Rosenberger seconded the motion to approve the agreement. There was no vote on this motion.

Council raised several questions regarding the agreement in regards to indemnification and what would happen after 10 years. Staff noted the Borough could renew the contract in 10 years or take back the property with proper notice. Because the property was originally a land fill, both parties are indemnifying the other for environmental issues.

Some concerns were expressed with stockpiling of construction materials. Staff noted that the materials were of some value. If the Borough would take over the operation the materials left on site would have value.

Mr. Hahn moved to delay approval until Patton Township was invited to comment. Ms. Lawrence seconded the motion. The motion passed with a 4-2-0 vote, with Mr. Rosenberger and Ms. Lafer opposed.

GENERAL POLICY AND ADMINISTRATION

2008 Central Pennsylvania Festival of the Arts. A request was submitted to permit the 2008 Arts Festival. The Festival will occupy the same area as in 2007 and will begin with Children & Youth day on July 9 and end with the sidewalk sales of arts and crafts on July 13. An ordinance is enacted each year to designate the time and place for the Festival and to suspend certain other activities designated by ordinance.

Mr. Hahn moved to approve Ordinance 1895 allowing for the Arts Festival to occur in 2008. Ms. Lawrence seconded the motion, which passed with a 6-0-0 vote.

Holmes-Foster North-South Bikeway. Council held a public hearing had been held to take comments on the north-south bike way proposed for South Sparks Street. Several people spoke in opposition at the hearing. Much of the opposition was in regards to the topography of the Sparks Street, the parking needed for the church at 119 South Sparks Street, visitor parking for residents, and that the speed of traffic would increase if parking would be removed.

Council discussed the proposal at their work session of April 14, 2008, and agreed that the proposal for a north-south bikeway should be referred to the Transportation Commission for further study as part of the reconsideration of the bicycle route master plan.

Mary C. Marino, 720 South Sparks Street, said that she was disappointed that the bike path idea was not closed for Sparks Street. She asked Council to take South Sparks Street off the bike path plan, and that she did not want to keep chasing committees to let them know that it was not wanted on Sparks Street.

Mr. Hahn moved to refer the matter to the Transportation Commission for further review and to request that the Transportation Commission and the Planning Commission review the Bicycle Master Plan to determine if it should be revised and updated. Ms. Goreham seconded the motion. The vote on the motion was 6-0-0; the motion passed.

Parking Request. Mr. Fountaine said a request had been received from Mark Tygel asking that four spaces in front of his establishment at 111 West Nittany Avenue be converted from commuter spaces to one-hour residential parking to accommodate customers using the Laundromat at that location.

Mr. Rosenberger moved to refer the request to Public Works staff for review and recommendation. Mr. Hahn seconded the motion. The motion passed unanimously.

PLANNING AND ZONING

West End Revitalization Plan. At the April 18 work session, Council discussed the Planning Commission's revised proposal from planning staff for the boundaries of a West End redevelopment area, and the recommendation to include the entire O.W. Houts site in the redevelopment area analysis. Since part of the site is in Ferguson Township, the proper procedure is to request the Ferguson Township Board of Supervisors authorize inclusion of the portion of the Houts property located in Ferguson Township in the analysis of the potential redevelopment area. Should it be determined that it is appropriate to certify a redevelopment area in the West End that includes all of the Houts property, Ferguson Township would be requested to approve including the area in Ferguson Township as part of the Certified Redevelopment Area.

Mr. Hahn moved to invite Ferguson Township to authorize inclusion of that portion of the Houts property located in Ferguson Township in the analysis of the potential certified redevelopment area. Ms. Lafer seconded the motion, which passed unanimously.

Chickens. A presentation was made by a citizen at the work session of April 18, that Council consider a zoning amendment to allow for chickens in the Borough.

Council raised several concerns in regards to the amount of staff time to be devoted to this issue. Staff reported other communities have similar ordinances that could be used to provide a basis for the Borough and those communities could be contacted to determine if problems exist. Staff noted this would not be a high priority in the work plan and would be done as time permitted.

The citizen who spoke at the work session, Lisa Baumgartner, 129 Ridge Avenue, said she had talked with her neighbors and the general feeling was supportive. One resident was not in favor because of the possible noise the chickens would create; this same resident also believed that having the chickens would lower the property values. Ms. Baumgartner added that she had researched the health issues and would be glad to share that information with the staff.

Mr. Morris moved to refer the issue to the Planning staff to study and recommend language allowing for chickens in the Borough on properties with less than 10 acres. Ms. Goreham seconded the motion. The vote on the motion was 4-2-0, with Mr. Rosenberger and Ms. Lawrence opposed; the motion passed.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch reported he attended the rededication of the education center for St. Paul's Methodist Church at 127 McAllister Street. He noted the church had made a substantial financial commitment to remain in the downtown.

Mr. Welch also noted that the Medical Arts Building in the 200 block of West Beaver Avenue was in the process of demolition and should be completely down in a week or so to make way for the development of the Fraser Center.

President's Report. Ms. Goreham announced an executive session was held following the meeting of April 14 to discuss real estate matters.

Regional Liaison Reports. Mr. Morris reported the COG Public Service Committee was considering the current arrangement to fund the Emergency Management Coordinator position.

Mr. Hahn reported the COG Finance Committee was working the CATA budget.

Staff/Committee Reports. Council received information on the West Nile Virus and staff reminded residents that there were things that could be done to reduce the threat, such as eliminating stagnant water which breeds mosquitoes. Information is also available on the Borough's website.

Mr. Fontaine reported on the gypsy moth spraying program, which would be done sometime in May. Information is available for residents on the Centre County government website.

There being no further business, the meeting adjourned at 8:22 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary