

Meeting Minutes
State College Borough Council
June 2, 2008

The State College Borough Council met on Monday, June 2, 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
Ronald L. Filippelli
Donald M. Hahn
Theresa D. Lafer
Silvi Lawrence
Peter Morris
James L. Rosenberger

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; Herman L. Slaybaugh, Zoning Officer/Planner; Roger Dunlap, Assistant Borough Manager for Budget and Administration; Mark Whitfield, Public Works Director; Michael Groff, Finance Director; Beth Johnston, Director of Human Resources; Thomas R. King, Chief of Police; Tim Knisely, Centre Region Code Administration Inspector; 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 members of the public wishing to speak.

Mr. Welch noted that a proclamation had been issued on May 5, 2008 to the National Association of Letter Carriers (NALC) proclaiming May 10, 2008, as "Letter Carrier's Food Drive Day" in the Borough of State College.

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

- Approve the use of Calder Way between McAllister Street and Locust Lane for the St. Paul's United Methodist Church Vacation Bible School from Sunday, June 22, through Thursday, June 26, 2008, between the hours of 5:30 p.m. to 8:15 p.m.
- Approve the use of Locust Lane between College Avenue and Calder Alley for the Farmer's Market on every Tuesday from 11:00 a.m. to 4:00 p.m. starting on June 3, 2008 and running through October 28, 2008, conditioned on the Downtown State College Improvement District bagging the meters on Locust Lane by 8:00 a.m.
- Approve a License Agreement with Nittany Valley Charter School for the construction of a sidewalk across public lands to provide egress to the facility at 1612 Norma Street.
- Accept a resignation, with regret, from Nancy Kranich from the Schlow Centre Region Library Board, effective July 1, 2008.
- Approve minutes for the following meetings held in May.

May 5, 2008	Regular Meeting
May 12, 2008	Work Session
May 16, 2008	Regular Meeting
May 19, 2008	Work Session

Mutual Release and Settlement Agreement in the County of Centre v. The Pennsylvania State University Litigation. Mr. Williams explained that the agreement had been negotiated between the County Commissioners and the University. The agreement clarifies how University properties will be dealt with on tax or in-lieu payment purposes. This agreement also establishes a method where the University and Centre County will review the list of properties held by the University and allows for local participation in the process. Mr. Williams recommended Council approve the agreement.

Ms. Lafer moved to approve the settlement agreement. Ms. Goreham seconded the motion. The motion passed with a 7-0-0 vote.

TRANSPORTATION ISSUES

Bicycle Parking Ordinance. Council received a proposed ordinance from the Transportation Commission on April 14, 2008 that would establish time limits for parking at public bike racks in public right-of-ways to 72 hours and public bike racks in public parking garages to 30 days.

Mr. Hahn moved to approve Ordinance 1898 to establish time limits for bicycle parking. Mr. Morris seconded the motion. The motion passed with a 7-0-0 vote.

Mr. Welch asked that Council entertain a presentation on bicycle legislation and licensing in the Borough.

Traffic Calming Policy. Council received the traffic calming policy at their meeting of February 11, held a public hearing on May 5, 2008, and discussed the report at their work session of May 12, 2008. The only change to the report as submitted was to add bus transit as a use for Collectors and Arterials. Mr. Fountaine recommended Council approve the policy with the change.

Mr. Morris moved to approve the policy with the change. Mr. Filippelli seconded the motion.

Council voted on the motion to approve the policy with the change to add buses. The vote was 5-2-0 with Ms. Goreham and Ms. Lafer opposed.

PLANNING & ZONING

Downtown Planning. At Council's April 14, 2008 meeting, Council members discussed the zoning changes enacted in 2007 for properties on East College Avenue between Heister Street and High Street. Council members stated they would like to review the maximum height allowed for signature development and the height incentives; parking incentives; and perhaps the addition of incentives for green buildings and burying utilities. Council also requested the review of zoning in relation to Calder Way and midblock areas. Because the Planning Commission is expected to request revision of the 2008 work program to review the status of the downtown plan, Staff recommended that this be incorporated with that discussion by the Planning Commission.

Mr. Rosenberger moved to refer this item to the Planning Commission for review and comment by the Commission as part of their overall review of the status of the downtown plan in the revised work plan. Ms. Lafer seconded the motion.

Council discussed the procedure for recommendations to flow from Council to the Planning Commission. Some members said that the Planning Commission should come up with language to present for Council consideration while others felt it was appropriate for Council to play a more active role by submitting something more concrete for the Commission to consider.

Because the Planning Commission already has a lot of projects on their work plan and he believed Council could provide the Commission with more direction on this issue, Mr. Hahn moved to table this to a future work session. Ms. Goreham seconded the motion. The vote on the motion was 5-2-0, with Mr. Filippelli and Mr. Rosenberger opposed.

Zoning Amendment: Planned Commercial Districts Setbacks. Council referred a request to the Planning Commission to modify the side and rear setbacks in the CP-1 and CP-2 Planned Commercial districts. After reviewing the request the Commission recommended modifications to the setbacks. Copies of the ordinance recommended by the Planning Commission were provided to Council.

Ms. Lawrence moved to receive the ordinance and schedule a public hearing for July 7, 2008. Mr. Hahn seconded the motion, which passed with a 7-0-0 vote.

REGIONAL ISSUES

Second Story Egress Options for 2 Story Rental Dwellings. The Borough and CRCA staff recommended changes to the Property Maintenance code to provide options for the required second story egress from one and two family 2-story rental dwellings.

Steve Foreman, a representative of Redi-Exit, presented an example of an escape ladder system. He noted that it was not designed to empty a building but rather for a structure with a few residents. The cost of the ladder was approximately \$1,200, which did not include the cost of installation.

A question was raised on the misuse of the ladder. Mr. Foreman noted that the ladders were in place at Shippensburg where students were fined \$25.00 by the landlord if the ladder was opened without benefit of an emergency situation. Mr. Knisely said that the code language could include penalties for tampering with the ladders.

A suggestion was made that Council be able to see a structure where the ladder was installed. Mr. Knisely noted that there was one in Pine Grove Mills at a bed and breakfast establishment.

Ms. Lawrence moved to schedule a public hearing the proposed ordinance. Mr. Rosenberger seconded the motion. The motion passed with a 7-0-0 vote.

Dave Nevins, 1370 Haymaker Road, noted that there were other issues with the required egress for windows more than 20 feet from sill to grade. For example there a parts of a building where a traditional fire escape could not be built without receiving a variance. He said the code could be changed to indicate that a variance could be granted for a fire escape. He added that solving the problem for some properties is extremely complex. He said that he was not looking to evade the law but believed that ladders could be permitted if there were no other choices available.

CATA Budget. Staff reminded Council that the COG General Forum at the May 27, 2008 meeting voted unanimously to refer the 2008/2009 CATA budget to the participating municipalities for adoption.

Ms. Lafer moved to adopt the 2008/2009 Centre Area Transportation Authority (CATA) to include contributions from the Borough in the amount of \$85,660, with \$74,575 for the operating budget and \$11,085 for the capital budget. Ms. Goreham seconded the motion. The motion passed with a 7-0-0 vote.

Mr. Hahn moved to ask that that CATA consider expanding the schedule of the loop service so that it runs more often during the summer and semester breaks and also consider possible cost sharing to operate the expanded loop schedule. Ms. Lawrence seconded the motion. The motion passed 7-0-0.

Emergency Management Coordinator. The COG General Forum recommended the participating municipalities receive and comment on the revised COG/University Emergency Management Agreement and anticipated 2009 budget for the joint Emergency Management Program. The agreement revises the current arrangement between The Centre Region and Penn State University that provides for a shared Emergency Management Coordinator (EMC) and emergency program. After operating the emergency management program as a shared services program since 2002, both the University and the Centre Region Emergency Management Council (CREMC) have determined that the requirements for emergency management is such that it requires a full-time Emergency Management Coordinator for both the Centre Region and the University. The COG Public Services Committee has recommended a proposal from the CREMC to hire a full-time EMC for the region, while maintaining a close relationship with the University for emergency management.

Ms. Goreham moved to recommend the creation of a position for a Centre Region Emergency Management Coordinator, but rather than full-time position, at a three-quarter time position. Ms. Lawrence seconded the motion.

Mr. Steff encouraged Council to consider a full-time position.

Council voted on the motion to approve a three-quarter part-time position. The vote was 1-6-0, with Mr. Morris, Ms. Lawrence, Ms. Goreham, Mr. Rosenberger, Mr. Filippelli and Ms. Lafer opposed. The motion failed.

Mr. Hahn moved to recommend the creation of a full-time position for a Centre Region Emergency Management Coordinator. Ms. Lafer seconded the motion. The motion passed with a 7-0-0 vote.

Riparian "Stream" Buffer Ordinance. At the meeting of May 27, 2008, the General Forum recommended the municipalities provide comments on the revised Model Riparian "Stream Buffer" Ordinance to the COG Executive Director by July 31, 2008. Council was asked to refer the document to the Planning Commission for review and comment by July 7, 2008. It was noted that the regional ordinance, as presented, was modeled from the Borough's existing ordinance on riparian buffers.

Ms. Lafer moved to refer the proposed model ordinance to the Planning Commission for review and comment. Ms. Lawrence seconded the motion, which passed unanimously.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch announced he had welcomed a three-man accreditation team to the Police Department. The department would be reviewed over the next few days for accreditation, which was a significant undertaking for the department.

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

Staff/Committee Reports. Staff presented the first quarter Enforcement Report from the Department of Ordinance Enforcement and Public Health. Council had no questions.

Chelsea Puff, an intern working jointly with the Department of Ordinance Enforcement and Public Health and the Director of Human Resources on the compliance for the Anti-Discrimination Ordinance, was introduced to Council.

There being no further business, the meeting adjourned to an executive session at 9:10 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary