

Meeting Minutes
State College Borough Council
August 4, 2008

The State College Borough Council met on Monday, August 4, 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
Peter Morris
Absent: Silvi Lawrence
James L. Rosenberger

Also present: Terry J. Williams, Solicitor; Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Manager for Community Services; Carl R. Hess, Planning Director; Thomas Hart, Police Captain; Herman L. Slaybaugh, Zoning Officer/Planner; Mark Whitfield, Public Works Director; Michael S. Groff, Finance Director; Roger A. Dunlap, Assistant Manager of Budget and Administration; 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.

University Park Undergraduate Association (UPUA) Landlord-Tenant Mediation Proposal. Matthew Lachman, Associate Director of Legal Affairs and Jason Kleinwaks, Deputy Director for Town Affairs, representing the University Park Undergraduate Association, reported on a proposed pilot mediation program that would serve both landlords and tenants. The program would provide services for both student and non-student residents. Mr. Lachman reported that the program would be jointly funded by the Borough and Penn State, through the student activities fee, and would be free of charge to clients. The program would deal with conflicts that arise where mediation could be successful. Services would be provided by professional mediators.

Mr. Lachman indicated the initial cost of the program would be with \$2,500 funded by the Borough and \$5,000 funded by Penn State. The mediation cost would be \$100 an hour with each case taking between one to two hours. Mr. Lachman noted that an individual could file for consideration of mediation through an online process or by completing the paperwork at the UPUA office (for students) or the Borough offices (for non-students).

Mr. Welch asked if there were other comments from the public. There being none, he closed the public hour.

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

- Use of the 300 block of Ridge Avenue for a neighborhood picnic on Sunday, September 14, 2008, from 4:00 to 9:30 p.m., with a rain date of Sunday, September 21, 2008.
- Accept a resignation, with regret, from Justin Baker from the Transportation Commission, effective immediately.
- Accept a resignation, with regret, from Jack Schreck from the Transportation Commission, effective July 20, 2008.

PLANNING & ZONING

Conditional Use for Fraser Centre. A public hearing was held on July 21 on the request from Susquehanna Real Estate for a conditional use for Fraser Centre as a Signature Development project. The solicitor summarized the facts and conclusions in a draft decision which was distributed to Council. In addition to the conditional use approval, the applicant requested modification of three setback requirements:

- For the community room at the corner of Beaver Avenue and Fraser Street.
- For a 5-foot encroachment above 95 feet along Beaver Avenue.
- For a 10-foot encroachment for the stair tower.

Ms. Lafer moved to approve the conditional use and the three setback modifications. Mr. Morris seconded the motion.

Mr. Hahn noted that he had made several comments following the July 21 meeting which he had put in writing and presented to the Manager. He asked that these be made a part of the record.

The vote on the motion to approve the decision granting the conditional use and the three modifications of setback requirements was 4-1-0, with Mr. Hahn opposed. The motion passed.

REGIONAL ISSUES

COG Committee Structure. Council reviewed a draft memo on a proposal for amending the Centre Region Council of Governments (COG) committee structure. The Transportation Commission had no comments.

Mr. Filippelli moved to forward the following comments to the COG Executive Director:

1. Ad hoc Regional Parks. Call the ad hoc Regional Parks Committee the "Parks Committee" and define its charge to review and recommend capital projects for regional parks and pools. Establish this committee as a standing committee.

2. Personnel Committee. Agree to rename the Personnel Committee as the Human Resources Committee. Continue this as a standing committee.
3. Transportation & Land Use Committee. Support the creation of a Transportation and Land Use Committee but ask for further discussion of the committee charge and how the new committee and the Centre Regional Planning Commission will relate to each other.

Mr. Morris seconded the motion, which passed unanimously.

GENERAL POLICY & ADMINISTRATION

Cable TV Franchise Ordinance. Council considered an ordinance that amends the cable television regulations (Chapter VII, Part C, Section 301) of the Borough's Codification of Ordinances and a resolution approving a new cable franchise agreement with Comcast.

Mr. Hahn submitted a letter of abstention because of his wife was an employee of C-NET which would have a direct financial benefit from the cable franchise agreement.

Mr. Filippelli moved to adopt Ordinance 1906 for the cable television franchise. Ms. Lafer seconded the motion. The motion passed with a 4-0-1 vote, with Mr. Hahn abstaining.

Ms. Goreham moved to approve Resolution 970 to approve the franchise agreement with Comcast and authorize the President of Council to sign the agreement. Mr. Filippelli seconded the motion, with passed with a 4-0-1 vote, with Mr. Hahn abstaining.

Council acknowledged and thanked the Cable Consortium for their work on this agreement and ordinance, which began six years ago. Former members of Council were also acknowledged for their work on this effort. It was noted that the negotiations included funding for C-NET and the possibility of a public access channel.

2009-2013 Capital Improvement Plan. Staff distributed the proposed 2009-2013 Capital Improvement Plan. Council is scheduled to discuss the plan at their meetings of August 11, August 18 and September 12. A public hearing will be held on September 8. Final approval is expected at the meeting of September 15.

There being no further business, the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary