

Meeting Minutes
State College Borough Council
September 8, 2008

The State College Borough Council met on Monday, September 8, 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
Silvi Lawrence
James L. Rosenberger

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Manager for Community Services; Roger A. Dunlap, Assistant Manager for Budget and Administration; Carl R. Hess, Planning Director; Thomas King, Chief of Police; Mark A. Whitfield, Director of Public Works; Amy Story, Borough Engineer; Herman L. Slaybaugh, Zoning Officer/Planner; Norma Crater, Finance Supervisor; Beth Johnston, Director of Human Resources; Anne Messner, Planning Technician; Michael S. Groff, Finance Director; Alan Sam, Arborist; 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 – HEARING OF CITIZENS

Introduction of the Downtown State College Improvement District Executive Director. Dolores Taricani, Chair of the Downtown State College Improvement District Board of Directors introduced the new Executive Director, Jody Alessandrine.

Police Accreditation Presentation. Mr. Richard Hammon, Accreditation Coordinator for the Pennsylvania Chiefs of Police Association, presented State College Police Department's Pennsylvania Law Enforcement Accreditation Certificate to Mr. Welch and Ms. Goreham. In addition, the Chief of Police, Captain Dana Leonard and Lieutenant Christian Fisher were present to accept the award on behalf of the department.

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

PUBLIC HEARING

2009-2013 Capital Improvement Plan. A public hearing was held on the 2009-2013 Capital Improvement Plan. Staff explained that the plan was introduced to Council on August 4.

Bob Rightmyer, Walnut Spring Lane, spoke on reducing capital expenditures by 20 percent so that the taxpayers would not need to bail out the program. Mr. Rightmyer also spoke on the wetlands in the Walnut Springs Park and that the water is not flowing.

John Simbeck, 601 Enterprises located at 601 West College Avenue, spoke on the project summary for the West End improvements (OP053). He noted that little has been done in the West End on infrastructure improvements.

Council received written comments on the Plan from the Centre Regional Planning Agency and the State College Transportation Commission.

There being no further comments on the Capital Improvement Plan, Mr. Welch closed the public hearing.

CONSENT ITEMS

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

- Use of the 200 block of Allen Street between the Schlow Memorial Library driveway and Foster Avenue and use of the Municipal Building plaza to conduct a celebration for the Chabad of Penn State on Thursday, October 16, 2008, from 8:00 p.m. to 11:00 p.m.; a waiver of the noise ordinance from 9:00 to 11:00 p.m. for the event.
- Use of Westview Avenue for a block party for Sunday, September 19, 2008, from 6:00 to 11:00 p.m.
- Use of Waupelani Drive between South Hills Business School and O'Bryan Lane, and various sidewalks in the Borough, to conduct a 5K Run/Walk to benefit the YMCA, on Saturday, September 13, 2008, from 8:00 a.m. to 11:00 a.m.
- Minutes for the following meetings held in August:

August 4, 2008	Regular Meeting
August 11, 2008	Work Session
August 15, 2008	Special Meeting
August 18, 2008	Regular Meeting
August 22, 2008	Special Meeting

ABC REPORTS

Planning Commission Report. Evan Myers, Chair of the Planning Commission, presented an update on the work of the Commission over the last few months including discussion of modifying the Zoning Ordinance to allow for chickens.

When asked about the Commission's rationale for voting against allowing chickens, Mr. Myers responded that the issues related to the ability to enforce, how to keep track of the properties that kept chickens and concerns among the members on other nuisance issues, such as noise. Council asked that this be placed on a future work session so that direction could be given to the Planning Commission and staff on changing the ordinance to allow chickens.

Board of Health/Quarterly Enforcement Report. Marcia Patterson, Chair of the Board of Health, reported on the activities of the Board, stating that they had discussed the health risk to the community if chickens were permitted. She noted the Board could find no evidence of a health risk. Ms. Patterson reported the Board had also discussed the regulation of feral cats and the Board agreed there was no risk of disease with feral cats.

Ms. Patterson reminded Council that the Clean Indoor Air Act would go into effect on September 11.

Mr. Kurtz reported on the enforcement activities for the second quarter.

Council discussed the issue of feral cats and agreed to put this issue on a future work session.

PLANNING AND ZONING

Zoning Amendment: Home Occupations. Council discussed a request from a resident to amend the Zoning Ordinance to allow for dog grooming businesses as a home occupation.

Mr. Filippelli moved to refer the request to the Planning Commission for further consideration. Mr. Rosenberger seconded the motion. The motion passed with a 7-0-0 vote.

Downtown Planning. Council discussed issues on changes to zoning amendments in the 300 and 400 blocks of East College Avenue that had been enacted by Council in November 2007, including building height between Hiester and Garner, Signature Development with 145 foot building, an increase in density for LEED certified buildings, and providing parking through the in lieu fee.

Council discussed including a statement on maintaining the retail atmosphere of Calder Way but not all of Council agreed that this was necessary.

Mr. Myers noted a need for consistency in zoning and said these changes were only recently passed in November of last year.

Mr. Hahn moved to refer the issues to the planning agencies for review. Mr. Rosenberger seconded the motion, which passed with a 7-0-0 vote.

GENERAL POLICY & ADMINISTRATION

Regional Records Management Agreement and Ordinance. Council received an ordinance and intergovernmental agreement to ratify the purchase, operation, and maintenance of a regional records management and mobile computer system with Centre County, Penn State University, Ferguson Township and Patton Township.

Ms. Lafer moved to enact Ordinance 1908 and authorize the President of Council to sign the agreement on behalf of the Borough. Mr. Hahn seconded the motion. The motion passed with a vote of 7-0-0.

Pennsylvania Infrastructure Bank (PIB) Loan. Council considered an ordinance to approve the borrowing of \$1,051,788 from the Pennsylvania Department of Transportation for an infrastructure loan to fund a portion of the road reconstruction and realignment of the Fraser/Beaver intersection. The loan will allow the Borough to proceed with the design and construction of the Beaver Avenue Intersection realignment and use proceeds from a grant to repay the PIB loan.

Mr. Hahn noted his opposition because of the reliance on the grant for repayment of the loan.

Dolores Taricani, former part-owner of the Medical Arts building at the corner of Beaver Avenue and Fraser Street, reminded Council that the medical arts building was taken by eminent domain in order to realign Fraser Street. Ms. Lawrence noted that Council could still consider the realignment but on a less grand scale.

Mr. Fontaine noted the realignment was a requirement as part of the mitigation efforts for the construction of the Beaver Avenue parking facility.

Ms. Lafer moved and Mr. Rosenberger seconded a motion to enact Ordinance 1909 and authorize the President of Council to sign the loan agreements. The vote on the motion was 5-2-0, with Mr. Hahn and Ms. Lawrence opposed.

Land Transfer for Fraser Centre. Council discussed the transfer of the properties located on Fraser Street and Beaver Avenue from the Borough to the Redevelopment Authority as a step towards construction of the Fraser Centre.

Mr. Rosenberger moved to approve the Land Transfer and Repurchase Agreement and authorize the President of Council to sign the agreement. Ms. Lafer seconded the motion. The motion passed with a 5-2-0 vote, with Mr. Hahn and Ms. Lawrence opposed.

OFFICIAL REPORTS AND CORRESPONDENCE

Staff/Committee Reports. Staff reported on the LION 08 walk.

Mr. King reported that beginning this week and for the next 10 weeks, an officer has been assigned to bike/foot patrol in the downtown to address issues with dangerous bicycle riding and illegal bike parking.

Mr. Kurtz reported that five years ago the Property Maintenance Code was amended to require sprinklers be installed in fraternities. The Code Administration office has reported that all of the fraternities installed sprinkler systems by the August 31, 2008, deadline.

Council recessed to a work session at 9:05 p.m. to discuss the 2009-2013 Capital Improvement Program and Debt Policy.

Debt Policy. Council reviewed a proposed debt policy which would limit the Borough's debt to no more than ten percent of annual general fund revenues for debt issued directly by the Borough. Staff noted that the current level of debt is about 6.3 percent of the general fund revenue.

2009-2013 Capital Improvement Plan. Council continued their discussion on the 2009-2013 Capital Improvement Plan. The following suggestions were made by Council:

- Remove the OP053 West End Neighborhood Revitalization Project from 2009, which would eliminate future debt; retain the use of \$345,000 from CDBG funds for the Barnard Street project; delay the 826-830 West College Avenue property acquisition, West Campus Drive pedestrian and bike trail, traffic engineering study and West College Avenue streetscape.
- Amend ST022 Allen/Atherton Intersection Improvements to reduce funding to \$250,000.
- Add \$120,000 to 2009 for SW091 Sinkhole Storm Water Tracing, which is a deferred project.
- Add the ST083 Planned Intersection Safety Improvement Study to the 2009 projects, which is a deferred project.

These changes would result in a reduction of \$542,500 and an increase of approximately \$120,000.

Council discussed the West End projects and the concerns raised by citizens that the Borough needed to do something with infrastructure improvements.

Council asked for accident data for intersections in the Borough in order to make a better decision on how best to use capital funding.

Council discussed the sink hole storm water tracing project and whether it would be done regionally. Staff recommended that the project be done regionally or with grant funding.

There being no further business, the meeting adjourned at 10:10 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary