

Meeting Minutes
State College Borough Council
April 20, 2009

The State College Borough Council met on Monday, April 20, 2009, 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 p.m.

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

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Roger A. Dunlap, Assistant Manager for Budget and Administration; Thomas S. Kurtz, Assistant Manager for Community Services; Thomas R. King, Chief of Police; Carl R. Hess, Planning Director; Anne Messner, Planning Technician; Herman L. Slaybaugh, Zoning Officer/Planner; Mark A. Whitfield, Director of Public Works; Amy Story, Borough Engineer; 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.

Mr. Fountaine announced that both Thomas Kurtz, Assistant Manager for Community Services and Carl Hess, Director of Planning, received individual 2009 Governor's Awards for Local Government Excellence.

PUBLIC HOUR

There were no comments from the public.

CONSENT ITEMS

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

- Vouchers for the month of March 2009 in the amount of \$1,528,535.24.
- Resolution 992 for the destruction of records in the Administration office.

Council also considered a noise waiver for the University Park Undergraduate Association to conduct the Wallypalooza (free music concert) on Thursday, April 30, 2009, from 5:00 to 10:00 p.m. at the HUB Lawn, with the same conditions as previously approved for HUB lawn events. Mr. Filippelli moved to approve the noise waiver for the event with the conditions as listed for other HUB lawn events. Mr. Hahn seconded the motion. The motion passed with a 7-0-0 vote.

GENERAL POLICY AND ADMINISTRATION

2009 Central Pennsylvania Festival of the Arts. Council considered an ordinance for the 2009 Festival of the Arts to begin on July 8 and end on July 12.

Council discussed the negative image of the removal of a private vendor last year who had come dressed as a clown and was selling balloons. It was suggested that the festival work toward permitting street performers.

Ms. Lafer moved to enact Ordinance 1929 to enable the 2009 Festival to take place. Mr. Filippelli seconded the motion, which passed with a 7-0-0 vote.

Modification of Legislative Priorities. Council considered an amendment to the 2009-2010 Borough Legislative Priorities to add a state priority in support of legislation to prohibit discrimination in employment, housing and public accommodation that includes sexual orientation, gender identity or expression. Council also considered a resolution to encourage the State legislature to approve House Bill 300, which would add sexual orientation, gender identity or expression to existing employment and housing legislation.

Ms. Lafer moved approve the modification to the Legislative Priorities and to approve Resolution 994 in support of House Bill 300. Mr. Morris seconded the motion. The motion passed with a 7-0-0 vote.

PLANNING AND ZONING

Zoning Amendment: Riparian Buffer Ordinance. Council considered a zoning amendment to the Riparian Buffer regulations to include a native planting list. Mr. Hahn moved to enact

Ordinance 1930 to modify the riparian buffer regulations. Mr. Morris seconded the motion, which passed with a 7-0-0 vote.

Zoning Amendment: Proposed Changes in the Commercial and Commercial Incentive Zoning Districts. Council discussed a modification to the zoning ordinance to change portions of the Commercial zoning district, the Commercial Incentive District, and regulations for Signature Development projects as they apply to an area along East College Avenue.

Mr. Filippelli moved, seconded by Mr. Rosenberger, to dispose of the proposed ordinance without adoption. The motion failed on a 3-4-0 vote, with Mr. Morris, Ms. Lawrence, Mr. Hahn and Ms. Goreham opposed.

Mr. Hahn moved to pull out Section 1 of the proposed ordinance, dealing with height, to be considered as a separate ordinance and forward it to the planning agencies for review, and that a public hearing be scheduled on June 1, 2009, with possible action on June 15, 2009. Ms. Goreham seconded the motion. The vote on the motion was 5-2-0, with Mr. Rosenberger and Mr. Filippelli opposed.

Mr. Hahn moved to pull out Section 7 of the proposed ordinance, dealing with setbacks along College Avenue between Garner and Hiester Street, to be considered as a separate ordinance and forward it to the planning agencies for review, and that a public hearing be held on June 1 with possible action on June 15. Ms. Lawrence seconded the motion. The vote on the motion was 5-2-0, with Mr. Rosenberger and Mr. Filippelli opposed.

Mr. Hahn moved to pull out Sections 2 and 3 of the proposed ordinance, dealing with Green certified buildings, to be considered as a separate ordinance and forward it to the planning agencies for review, and that a public hearing be scheduled on June 1, 2009, with possible action on June 15, 2009. Ms. Lawrence seconded the motion. The vote on the motion was 3-4-0, with Ms. Lafer, Mr. Rosenberger, Mr. Filippelli, and Ms. Goreham opposed. The motion failed.

Mr. Hahn moved to pull out Sections 4 through 6 and Sections 8 through 11 of the proposed ordinance to be considered as a separate ordinance, with the parking incentives limited to properties east of Locust Lane, as recommended by the Planning Commission, and forward it to the planning agencies for review, and that a public hearing be scheduled on June 1, 2009, with possible action on June 15, 2009. Ms. Lawrence seconded the motion. The motion passed with a 7-0-0 vote.

Mr. Hahn moved to instruct staff to draft a resolution modifying the fee schedule changing the in lieu fee from \$18,750 to \$26,000 per parking space. Ms. Lafer seconded the motion. The motion passed unanimously.

Mr. Hahn moved to task the Planning Commission with an analysis and recommendation on developing incentives for LEED (or equal) incentives in all zoning districts. Mr. Rosenberger seconded the motion. The motion passed unanimously.

College Township Official Map. Council considered a request from College Township that the Borough review and comment on a plan to modify the College Township official map. Mr. Rosenberger moved to receive the request and refer it to the Planning Commission for comments to be referred back to Council prior to forwarding to College Township officials. Ms. Lawrence seconded the motion, which passed with a 7-0-0 vote.

COMMUNITY DEVELOPMENT

2009 Consolidated Plan Amendment. Council considered an amendment to the 2009 Consolidated Plan to reduce the scope of the College Avenue/Pugh Street Streetlight project to include reconstruction of existing handicapped curb ramps that would be disturbed as part of the streetlight installation.

Mr. Morris moved to approve the Consolidated Plan amendment. Mr. Rosenberger seconded the motion. The motion passed with a 7-0-0 vote.

PUBLIC WORKS

North/South Bikeway. Council considered a proposal for a North/South bikeway on South Sparks Street.

Mr. Filippelli moved to designate South Sparks Street from Westerly Parkway to West Campus Drive, and West Prospect Avenue from South Gill Street to South Sparks Street as a "Share the Road" bike route and authorize the posting of signs and painting of emblems, and have a dedicated bicycle "climbing lane" on the northbound portion of Sparks Street where parking is already prohibited. Ms. Goreham seconded the motion. The vote on the motion was 4-3-0, with Ms. Lafer, Mr. Hahn and Ms. Lawrence opposed. The motion passed.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Ms. Goreham announced an executive session held following the meeting of April 13 to discuss personnel matters, and an executive session following this meeting to discuss personnel matters.

Regional Liaison Reports. Ms. Lawrence reported the COG Public Services Committee had met on April 8 and discussed the application and plan review fees for building permits. The Committee also discussed concerns with Centre LifeLink's ability to provide regular emergency coverage on State Patty's day, given the large number of alcohol abuse related incidents.

Mr. Hahn reported the COG Finance Committee was finalizing a recommendation to the COG General Forum on a funding formula. He noted the municipal managers had done a very good job in negotiating a formula that would be acceptable to all parties. Mr. Hahn also reported the COG Finance Committee had received the CATA budget, which does not include an increase in fares or municipal contributions.

There being no further business, Council adjourned to an executive session at 8:55 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary