

**Meeting Minutes  
State College Borough Council  
Monday, June 15, 2009**

The State College Borough Council met in a special meeting a 6:30 p.m. at the Welch Pool, 670 Westerly Parkway, to view the location of the realignment of the Orchard Park Bike Path.

Present: 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: Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Manager for Community Services; James Steff, Executive Director of Centre Region Council of Governments; Ron Woodhead, Director of Centre Region Parks & Recreation (CRPR); Carl R. Hess, Planning Director, Mark A. Whitfield, Director of Public Works; Alan Popovich, HP Architects, Todd Roth, Aquatics Supervisor for CRPR, Donna Conway, Borough Representative on the CRPR Board.

Council was shown the alignment of the path through a wooded area and the location where the path crosses Westerly Parkway. The walk ended at the rear of the property located at 817 South Sparks Street.

Following the meeting, Council recessed to an executive session at 7:00 p.m., prior to the regular meeting, to discuss personnel matters.

The State College Borough Council met in their regular meeting 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  
Ronald L. Filippelli  
Donald M. Hahn  
Theresa D. Lafer  
Silvi Lawrence  
Peter Morris  
James L. Rosenberger

Also present: Terry J. Williams, Borough Solicitor; Thomas S. Kurtz, Assistant Manager for Community Services, Michael S. Groff, Finance Director; Mark A. Whitfield, Director of Public Works; Carl R. Hess, Director of Planning; Herman L. Slaybaugh, Zoning Officer/Planner; Chelsea Puff, Intern; Thomas S. King, Chief of Police; 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 received from the public.

**CONSENT ITEMS**

Mr. Hahn moved and Ms. Goreham seconded a motion to approve the following consent items. The motion passed with a 7-0-0 vote.

- Vouchers for the month of May 2009 in the amount of \$2,225,894.71.
- Resolution 996 for the application of a grant from the Department of Community and Economic Development for LUPTAP funds for the Strategic Planning process.
- Use of streets in the downtown for the Summers Best Music Fest on Saturday, June 27, 2009, for the following streets during the hours listed:

Allen Street between College and Beaver Avenues	5:00 am to 11:00 pm
Calder Way between McAllister Street and McAllister Alley	5:00 am. to 8:00 pm
Hiester Street between College Avenue and Wilson Alley	5:00 am to 10:00 pm

- Use of Foster Avenue between Locust Lane and Central Parklet for the Annual Kids on Wheels Event, sponsored by the Centre Region Parks and Recreation, on Saturday, July 4, 2009, from 9:30 a.m. to 11:30 a.m.

- Use of College Avenue between Shortlidge and Burrowes Road for the Penn State Homecoming Parade on Friday, October 16, 2009, from 5:00 p.m. to 9:00 p.m.
- Accept a resignation from Alfred Traverse, with regret, from the Tree Commission, effectively immediately.
- Minutes for the following meetings held in May:

May 4, 2009	Regular Meeting
May 11, 2009	Work Session
May 13, 2009	Special Meeting
May 18, 2009	Regular Meeting
May 29, 2009	Work Session

## ABC REPORTS

**Design Review Board.** Kevin Gombotz, chair of the Design Review Board, reported on the activities of the Design Review Board over the past year. He announced the Design Review Board had received an award in the communication section of the Pennsylvania/Delaware chapter of the American Society of Landscape Architects for the updated Design Guide.

Council urged the Board to provide comments on the design portion of the proposed West End zoning ordinance.

## COMMUNITY DEVELOPMENT

**2009 Consolidated Plan Amendment.** Council considered an amendment to the 2009 Consolidated Plan to allocate additional funds received from CDBG and HOME program. State College will receive \$715,152 in CDBG funds, \$10,941 more than anticipated. It will also receive \$541,964 in HOME funds, \$54,386 more than anticipated. The amendment called for additional CDBG funds to be used for public services, contingency, and administrative costs. Additional funds received for HOME would be used for energy audits and improvements at Bellaire Court, the State College Community Land Trust and Housing Transitions homebuyer programs, and administrative costs.

Ms. Lafer moved to approve the 2009 Consolidated Plan amendment. Mr. Rosenberger seconded the motion, which passed with a 7-0-0 vote.

## PLANNING AND ZONING

**Zoning Amendment: Changes in the Commercial and Commercial Incentive Zoning Districts.** Mr. Hahn moved to enact the ordinance to establish a 125-foot height cap for Signature Buildings east of Garner Street. Ms. Goreham seconded the motion. The vote on the motion was 2-5-0, with Ms. Lafer, Mr. Rosenberger, Mr. Filippelli, Ms. Lawrence, and Mr. Morris opposed. The motion failed.

Mr. Hahn moved to enact the ordinance to establish a setback provision for buildings erected higher than 40 feet along College Avenue between Garner and Hiester Streets. Ms. Goreham seconded the motion. The vote on the motion was 3-4-0, with Ms. Lafer, Mr. Rosenberger, Mr. Filippelli, and Mr. Morris opposed. The motion failed.

Mr. Hahn moved to enact the ordinance to add a 1-story bonus and FAR bonus for providing public parking in the CID and eliminate in-lieu parking as an option east of Locust Lane in the C and CID zones. Mr. Morris seconded the motion. The vote on the motion was 2-5-0, with Ms. Lafer, Mr. Rosenberger, Mr. Filippelli, Ms. Goreham, and Ms. Lawrence opposed. The motion failed.

## REGIONAL ISSUES

**Orchard Park Bike Path Easement Agreement.** Council considered an easement with the State College Area School District to realign a portion of the Orchard Park Bike Path at Welch Pool.

Paul Mazza, a resident of Patton Township, distributed a written statement indicating that the plan violated the fundamental requirements for protecting or advancing the safety, health and general welfare of the Borough. He urged Council to be flexible in the redesign of the bike path to accommodate residents.

Cathy Suhey, 817 South Sparks Street, noted that her property would be most affected by the realigned bike path and asked that Council vote "no" on moving the bike path.

Ralph Heimer, Sparks Street, noted that, from the beginning of the process, participants were assured that existing bike path would remain. He said the size of the pool expansion should necessitate proper protection for the neighbors.

Kathy Matason, College Township representatives to the Centre Regional Recreation Authority, spoke in favor of the plan. She noted that property owners were encroaching on public land.

Council discussed the time constraints for getting the plans for the pool through the review process so that construction could begin.

Todd Smith, ELA Group, said, by moving the bike path, the pool would capture an additional 6,500 square feet, leaving 7,900 square feet of wooded area. Most of the plantings would remain to provide privacy to the neighborhood.

Council also asked the legal status of the public land being used by the abutting property owners. Mr. Williams indicated the property owners have no right to the land and could not acquire it through adverse possession.

Ms. Lafer moved to approve the easement with the following conditions:

- The Centre Region Recreation Authority shall be responsible to pay all costs associated with the relocation of the Orchard Park Bike Path, including removal of the existing bike path.
- The Centre Region Recreation Authority shall construct the relocated bike path to the specifications required by the Borough to assure that the relocated path equals or exceeds the standards or the existing path.
- The Centre Region Recreation Authority shall install a buffer and dense screen between the bike path and the abutting properties to protect and assure the privacy of the private property abutting the relocated portion of the path. The buffer and screen shall be approved by the Borough Planning Staff. The screen at the rear of parcel number 36-017-,239-,0000 may include both plant material and a solid fence.
- The Authority shall enter into an agreement incorporating the provisions of the approval action.

Mr. Rosenberger seconded the motion. The vote on the motion was 7-0-0. The motion passed.

**Oak Hall Regional Park Master Plan.** Council was asked to comment on the master site plan for the Oak Hall Regional Park.

Ms. Lafer moved to return the Oak Hall Master Plan to the General Forum without comment and to be approved as presented. Mr. Rosenberger seconded the motion, which passed unanimously.

#### GENERAL POLICY AND ADMINISTRATION

**National Citizen Survey.** Staff presented a summary of the results of the National Citizen Survey (NCS) on community attitudes and the levels of satisfaction on issues related to the quality of life in State College. It was noted that the Borough was generally above the benchmarks in community satisfaction.

Council asked the results be made available to the public on the Borough's website.

**Holiday Parking.** Council considered a request from the Downtown State College Improvement District to continue the holiday parking program as it has been done in previous years.

Ms. Goreham moved to approve the request. Mr. Morris seconded the motion, which passed unanimously.

**Energy Efficiency and Conservation Block Grant Program.** Council considered the Borough's application for a Federal entitlement community under the Energy Efficiency and Conservation Act. The Borough is eligible to receive an Energy Efficiency and Conservation Block Grant (EECBG) allocation of \$194,100 in 2009, which will be allocated for the Bellaire Court Appliance Retrofit, Municipal Building Green Roof Demonstration, and Streetlight Luminaire Conversion. Each of these projects will improve energy efficiency and reduce total energy use and fossil fuel emissions in an environmentally sustainable manner.

Ms. Lawrence moved to approve the EECBG strategy and budget, and authorize the President of Council to sign the application for grant funds. Ms. Lafer seconded the motion. The motion passed unanimously.

#### OFFICIAL REPORTS AND CORRESPONDENCE

**President's Report.** Ms. Goreham announced an executive session held prior to this meeting at 7:00 p.m. to discuss personnel issues.

**Regional Liaison Reports.** Ms. Goreham noted the Centre Region Metropolitan Planning Organization met and discussed the redesign of I-80 to include a local interchange in Marion Township.

Mr. Hahn indicated the COG Finance Committee recommended the changes in the COG funding formula and discussed changes in the personnel policy in regards to the Consumer Price Index to determine staff pay increases.

Mr. Morris reported the COG Public Services & Environmental Committee met and discussed the calendar for the refuse and recycling bids and the rebate check from the Centre County Solid Waste Authority for more than \$26,000.

Mr. Rosenberger reported the COG Transportation & Land Use would be meeting later in the week and would be discussing the high speed rail concept under study by the federal government and the impacts in Pennsylvania.

Mr. Rosenberger also reported the Capital Committee met and discussed how to raise funds to develop regional parks.

**Staff/Committee Reports.** Mr. Fontaine presented a schedule for Council's consideration of short-term items from the Neighborhood Sustainability Report. He also reported there would be a liquor license transfer for an alcohol distributor to 258 W. Hamilton Avenue; this would not require action by the Borough.

**Items of Information.** Mr. Morris recognized Juneteenth (June 19) as Emancipation Day. He noted this was an important holiday for the African-American population as it was the day all slaves in Texas were freed, which were the last slaves in the United States of America. He noted that this was one step on the road from bondage to freedom.

Ms. Lafer reported on a conference she attended on Women in Municipal Government held by the National League of Cities in Charlotte, North Carolina. She noted that there was a specific request for the NLC to use its policy influences to direct funding and development for aging in place.

There being no further business, the meeting adjourned at 9:22 p.m.

Respectfully submitted,

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Cynthia S. Hanscom  
Assistant Borough Secretary