

Meeting Minutes
State College Borough Council
Regular Meeting
Monday, April 5, 2010
7:30 p.m.

The State College Borough Council met on Monday, April 5, 2010, in the State College Municipal Building, 243 South Allen Street, State College, PA. Ms. Goreham called the meeting to order at 7:31 p.m.

Present: Elizabeth A. Goreham, Mayor
Ronald L. Filippelli, President of Council
Thomas E. Daubert
Donald M. Hahn
Theresa D. Lafer
Peter Morris
James L. Rosenberger

Absent: Silvi Lawrence

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Sharon K. Ergler, Assistant Borough Secretary; Herman L. Slaybaugh; Planner/Zoning Officer; Mark A. Whitfield, Director of Public Works; Alan Sam, Arborist/Environmental Coordinator; Roger A. Dunlap, Assistant Manager for Budget and Administration; Thomas S. Kurtz, Assistant Borough Manager for Community Services; Charles DeBow, Parking Manager; Amy Story, Borough Engineer; Michael S. Groff, Finance Director; and Thomas R. King, Chief of Police;

Ms. Goreham began with a moment of silence and the Pledge of Allegiance.

PUBLIC HOUR – Hearing of Citizens

Proclamation for Watershed Cleanup Day - Mayor Goreham presented a proclamation to Brianna Hutchison, Water Resources Coordinator for Clearwater Conservancy. Ms. Hutchinson noted this year's Clean Up Day is scheduled for April 17, 2010 from 8 a.m. to 12 p.m.

Student Report – Elle Maney, Event Coordinator, and Morgan Dysinger, Public Relations Chair, discussed Eco Action's Earth Day, scheduled for Saturday, April 24th. On Sunday, April 25th, there will be a Downtown/Penn State Clean up beginning at 11 a.m.

Old Main Open House - Brett Castleman, a Lion Ambassador, noted there will be an Open House at Penn State's Old Main on Wednesday, April 21st from 2 p.m. to 6 p.m. The Open House includes tours of Old Main and the Bell Tower, music, games, and food. The public is invited to attend.

PUBLIC HEARING

Conditional Use Application for Foxdale Village Expansion, 500 East Marylyn Avenue

Mr. Williams, officiating as Hearing Officer, opened the hearing at 7:48 p.m. Staff provided a brief overview of the request, which followed by comments from the architect Mark Saville from Sweetland Engineering. Mr. Saville reviewed the layouts and renderings for the proposed expansion.

Council members asked questions about the water retention point located on the corner of the property. Mr. Saville said they are proposing an underground storm water retention facility, which helps out with the stream temperature issues with Slab Cabin Run.

Mr. Williams asked if anyone in the audience wished to speak about the case. Mr. Dick Hutchins, a resident of Foxdale Village, said he did not receive a notice of this hearing in the mail. He said he only heard about this by reading the legal notice placed in the newspaper. Mr. Slaybaugh said the property was posted in accordance with the requirements in the Municipalities Planning Code and copies of the legal notice were mailed to all adjacent property owners within 200' of the property. Mr. Hutchins said renters in the Borough should have been notified as well.

Mr. Williams stated the question Council has to ask is does the applicant comply with the requirements outlined in the Zoning Ordinance for a conditional use. He said if Council determines that the applicant is able to show they comply with those conditions, Council must approve the conditional use.

Mr. Hutchins raised concerns about the increased density this expansion would cause, the traffic flow at the intersection of Marylyn Avenue and the University Drive extension, and the adequacy of fire lanes.

Staff commented that a traffic signal has been suggested before for the Marylyn Avenue/University Drive intersection but it does not meet any warrants for such a signal. Mayor Goreham said anything that would enhance the University Drive/Marylyn Avenue intersection would be a help.

Mr. Williams summarized the concerns mentioned during the hearing such as the increased density, the need/desire for a traffic signal, and the concern of whether or not the fire trucks could maneuver around the fire lanes.

Mr. Saville said Sweetland Engineering did conduct a drive-line analysis of the fire lanes and met with Steve Bair, Alpha Fire Company Director, and reviewed the proposed expansion with him.

Staff indicated the Foxdale expansion is well under the density requirement in the Zoning Ordinance.

One Council member commented it would be better if parking was below level rather than tiered. Mr. Saville said the elevation difference at the back of the site allowed the parking deck to fit nicely with the existing contours of the site.

Mr. Williams noted that once the public hearing is closed Council cannot consider any additional information.

Mr. Saville said for the record the owner of the property is Foxdale Village, LLC. Foxdale Village, LLC, is a stand-alone corporation in the state of Pennsylvania. Mr. Bill James, Foxdale's Executive Director, introduced himself to Council and the audience.

Mr. Williams closed the record on the conditional use hearing at 8:25 p.m.

Council members commented that Mr. Hutchins made some good points with the best one being about the need for a traffic signal at this intersection. Ironically the increased density might bring up the warrants needed for a new signal at this location. Council urged the developer to explore alternatives to promote traffic safety. On a motion by Mr. Daubert, seconded by Ms. Lafer, Council asked that the solicitor draft a decision based on Council's discussions for review and a vote at an upcoming meeting. The motion passed unanimously.

Consent Items – On a motion by Ms. Lafer and a second by Mr. Hahn, Council voted unanimously to approve the following consent items with one correction to the January 11th minutes. The 2010 COG Committee appointments were incorrectly listed in the minutes, in particular the first three.

Executive Committee – Ron Filippelli
Finance Committee – Don Hahn
Human Resources – Tom Daubert

- Minutes for the following meetings held in January, February and March 2010:

January 4, 2010	Regular Meeting
January 11, 2010	Regular Meeting
January 15, 2010	Work Session
February 1, 2010	Regular Meeting
February 8, 2010	Regular Meeting
February 19, 2010	Work Session
March 1, 2010	Regular Meeting
March 8, 2010	Regular Meeting
March 19, 2010	Work Session

- Use of various sidewalks in the Borough for the AIDS walk scheduled for Sunday, April 18, 2010, from 9:30 a.m. to 2:00 p.m.
- Award a bid for bituminous patch material for the 2010 patching season to HRI, Inc., the low bidder meeting specifications, in the total amount of \$61,525.00. This bid came in \$1,525 over the budgeted amount; however, the additional money needed will come from the highway aide (liquid fuels tax). Historically, this contract comes in well under budget based on actual patching completed.
- Use of the plaza area and lobby of the Municipal Building for House of Care's 10th Anniversary celebration on Monday, June 21, 2010, from 4:00 p.m. to 8:00 p.m.
- Use of Allen Street between the entrance to Schlow Centre Region Library and Foster Avenue for the Penn State Lions Performance Auto Club on Sunday, April 25, 2010, from 12:00 p.m. to 6:00 p.m.
- Use of various sidewalks in the Borough for a Take Back the Night March scheduled for Wednesday, April 14, 2010, from 6:00 p.m. to 9:00 p.m.
- Use of Locust Lane between East College Avenue and Wilson Alley for the Tuesday Farmers' Market sponsored by the SCDID to be held every Tuesday from May 18 through November 16, 2010, from 9:30 a.m. to 6:00 p.m.
- Use of Allen Street between Beaver and Foster Avenues for Youth Service Bureau's Classic/Collector Car Show on Saturday, July 24, 2010 from 4:00 p.m. to 10:00 p.m.
- Adopt Resolution #1018 to authorize the President of Council to sign an agreement with PENNDOT regarding the North Atherton Congested Corridor Project as funded through the MPO.
- Authorize the President of Council and the Mayor to sign a letter of support and adopt Resolution #1019 to support the Local Jobs for America Act (H.R. 4812).

GENERAL POLICY AND ADMINISTRATION

Sustainable Neighborhood Ordinances - Fraternity Ordinances. Council discussed scheduling hearings and intent to enact some or all of the four proposed zoning ordinances: two versions of the definition of a fraternity, one recommended by the Planning Commission and one by staff; regulations for fraternities located in the University Planning District (UPD); and temporary use of fraternities as rooming houses.

Mr. Sandy DeVinney, of 240 North Burrowes Road Alumni Association, said "If the Borough does not permit temporary rooming houses in their structures until a fraternity has time to re-colonize, no one else would be able to use these properties.

Mr. Max Wendkos, President of the Interfraternity Council, supported the temporary use zoning change.

Ms. Lafer made a motion to have staff advertise the public hearings on all four of the proposed ordinances, and advertise the intent to enact all but the temporary use ordinance. Mr. Filippelli seconded the motion, which passed unanimously.

Staff noted that both ordinances revising the definition of a fraternity will be advertised to enact, but after the hearings Council can only enact one of the two.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report - Ms. Goreham said she recently met Anna Carol Buffington from Meals on Wheels and helped deliver meals. In addition, she said she would be attending the Kiwanis 85th anniversary celebration. She said she recently took part in the 2010 Census's March to the Mailbox along with Penn State President Graham Spanier, OSCU President Bobby Ryan, and UPUA President Gavin Kierans.

President's Report - Mr. Filippelli reported Council held an Executive Session at 6:45 PM on April 5 to discuss real estate. Council will be holding an Executive Session following the meeting to discuss real estate.

Regional Liaison Reports

Transportation Committee - Ms. Lafer reported that they met earlier today and that many of the funding streams for projects have been cut.

Parks Capital – Mr. Rosenberger said this Committee is met on April 1st and will be meeting again on April 15th. They have been involved in serious discussions about how to fund the regional parks.

Finance – Mr. Hahn reported there will be a joint Public Safety & Finance Committee meeting on April 9th to discuss the funding of renovations at the fire stations.

Staff/Committee Reports - None

Items of Information - None

There being no further business, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Sharon K. Ergler, Assistant Borough Secretary