

Meeting Minutes
State College Borough Council
Regular Meeting
Monday, November 1, 2010
7:30 p.m.

The State College Borough Council met on Monday, November 1, 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
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; Roger A. Dunlap, Assistant Manager for Budget and Administration; Charles DeBow, Parking Manager; Amy Story, Borough Engineer; Michael S. Groff, Finance Director; and Thomas R. King, Chief of Police; Anne Messner, Planner; Carl R. Hess, Planning Director; Mark A. Whitfield, Director of Public Works;

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

PUBLIC HOUR. Mr. Rodney Hughes, Student Member on the Penn State University Board of Trustees, discussed his experiences with Council.

PUBLIC HEARINGS

West End Zoning. Mr. Williams, the Borough Solicitor officiated as the Hearing Officer. He opened the hearing at 7:48 p.m.

Borough staff provided everyone with a brief overview of the request.

Mr. Fountaine said the Borough received two written comments earlier today encouraging the addition of the inclusionary housing provisions in the West End; comments were from Barbara & Bob Minard and Sally McMurry. These comments were distributed to Council and are hereby made a part of the record.

The following people provided testimony at the West End public hearing:

Rosalie Bloom Brooks, 812 W. Beaver Avenue, said the neighbors hope to see regulations to maintain a mix of residents in their neighborhood, inclusionary housing should be included and the Borough should continue to work with the State College Community Land Trust. She added she was happy with lower density.

Cory Chelko, 101 North Patterson, stated that Delta Theta Sigma would be in violation if they tried to expand.

Mr. Slaybaugh responded that fraternities would become a nonconforming use in the West End.

Carolyn Meredith, 221 South Barnard Street, said she wants to keep the scale of buildings and trees the way it is.

Peg Hambrick, 305 East Hamilton Avenue, said State College needs to stop losing single family homes each year.

Donna Conway, 129 West Prospect Avenue, said she was concerned about the requirement that corner properties must have commercial uses. She does not think there is good reason to require commercial uses on College Avenue.

Tristan Cleveland, 833 West College Avenue, encouraged Council to consider requiring developers to put in green streets and rain gardens.

Diana Ingersoll Cope, 833 West College Avenue, said the proposed ordinance does not include anything that allows for cooperatives.

Mr. Williams closed the public hearing at 8:04 p.m. Mr. Williams said the public hearing meets the Borough requirement.

Mr. Rosenberger made a motion to forward the West End Zoning to an upcoming Council work session for further discussion. Mr. Hahn seconded the motion.

Staff encouraged Council members to provide their comments to staff prior to the next work session.

Council voted unanimously to schedule an additional discussion on the West End at a future work session.

CONSENT ITEMS - On a motion by Mr. Hahn and a second by Ms. Lafer, Council voted unanimously to approve the following consent items:

- Approve a Resolution for the Borough to accept County funding for a traffic controller upgrade project.

PLANNING AND COMMUNITY DEVELOPMENT

2011 Consolidated Annual Action Plan – Mr. Filippelli motioned that Council approve the 2011 Consolidated Annual Action Plan; Mr. Rosenberger seconded the motion, which passed unanimously.

Inclusionary Housing Ordinance – Mr. Hess presented a brief overview of the inclusionary housing ordinance; the goal of the ordinance is to expand the supply of affordable housing and opportunities for home ownership. Mr. Hess said the Planning Commission felt that inclusionary housing should be adopted as a Borough-wide ordinance.

Mr. Evan Myers, Planning Commission Chairman, said the State College community is at a crossroads and the Commission has struggled in coming up with solutions; struggles include density, ambiance, affordability, and growth within the community. Mr. Myers said he personally believes inclusionary housing will build a stronger community with increased density where residents can live closer to where they work.

Council members expressed concern about increased density, especially in the West End. It is hard to find families who want to live in student neighborhoods. Council member requested a chart from staff indicating what the neighboring townships are doing with inclusionary housing.

Mr. Filippelli made a motion to receive the Planning Commission's report and to refer this to a work session for future discussion. Ms. Lafer seconded the motion, which passed unanimously.

East Beaver Avenue Rezoning – Staff explained a request was received from the property owner to rezone 254 East Beaver Avenue, a mixed use building at the corner of East Beaver and Locust Lane, from R-2 zoning to Commercial Incentive. The Planning Commission has not agreed on a recommendation; a report on the Planning Commission's activity on this request was presented to Council for their consideration. Staff said the Commission had split support for different heights, uses permitted and density and was unable to reach a consensus.

Staff said options for consideration include:

- Turn down the zoning request and leave the property R-2;
- Approve the rezoning to Commercial Incentive (CID) with the student overlay, which is the owner/developer's request;
- Rezone the property to CID with a mixed number of uses and building that could be 8 stories high but have a lower density by reducing the number of units from 42 to 35;
- Rezone the property to residential office (R0) with a maximum height of 36' and only permit residential and professional offices in the bldg; or
- Rezone to a hybrid overlay using the CID or R-O.

Mr. Filippelli made a motion to accept the Planning Commission's report and schedule discussion on the rezoning at an upcoming work session. Mr. Hahn seconded the motion.

Staff said to eliminate spot zoning, Council would need to rezone the property to something that is adjacent to it, such as CID or RO.

A Council member noted that Council does not have the responsibility to make sure investments always pay off.

Mr. Henry Sahakian, the property owner/developer thanked the Planning Commission for their many hours of deliberation on his rezoning request. He said he knew he was taking a chance when he purchased this property and the R-2 zoning; however, he said he does not believe R-2 is the correct zoning for this property.

Council voted unanimously to refer this to an upcoming work session.

Historic Overlay – Mr. Rosenberger made a motion to receive the Planning Commission report on the Historic Overlay and to schedule the ordinance for discussion at a future work session.

Staff offered Council a brief summary and provided a map, which included the 54 contributing properties.

The motion passed unanimously.

Fraternity Temporary Use Ordinance – Mr. Morris made a motion to schedule the Fraternity Temporary Use ordinance for additional discussion at an upcoming work session. Mr. Rosenberger seconded the motion.

Mr. Daubert said additional revisions are needed related to nuisance property points. Staff said the ordinance is referring to the Nuisance Property ordinance, which falls under the Property Maintenance Code.

The motion passed unanimously.

REGIONAL ISSUE

Centre Region Council of Governments 2011 Budget. Staff has identified two significant issues. One is the library formula and whether students should be included. The second issue is whether the Parks Capital Fund should begin in 2011 or wait until the funding has been refined.

Council members said they were concerned with including students who live on campus as part of the Borough's residents, as the Borough does not earn any income from

those students. Council said COG should ask the University to make the contributions for those students.

Mr. Rosenberger said the Parks Capital Committee recommended increasing the funding in 2011 to offset increased costs; however, he is flexible if this is not the year to do so. The Parks Capital Committee is looking at a bond issue.

Council members agreed to continue their discussion on the COG 2011 Budget at their November 8 meeting.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report – The Mayor attended a ceremony where the American Transportation Award was presented to Hugh Mose.

Regional Liaison Reports - Ms. Lafer said the Transportation & Land Use Committee met recently to discuss economic development.

Staff/Committee Reports - Department of Ordinance and Public Health staff presented the Department's 3rd quarter activities.

ITEMS OF INFORMATION

Staff informed Council that there is a need to schedule an Executive Session to discuss real estate and personnel issues.

Staff informed Council there was a time this past Saturday night where the Mount Nittany Medical Center was full for approximately 45 minutes; however, this information has not been verified. No patients were turned away for service during that time.

Mayor Goreham reminded everyone to vote on November 2.

The meeting adjourned at 9:54 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary