

Meeting Minutes
State College Borough Council
November 15, 2010
Regular Meeting

The State College Borough Council met on Monday, November 15, 2010, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Mayor Goreham called the meeting to order at 7:30 p.m.

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

Also present were: Terry Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Sharon Ergler, Assistant Borough Secretary; Mark Whitfield, Director of Public Works; Amy Story, Borough Engineer; Roger Dunlap, Assistant Manager; Beth Johnston, Human Resources Director; Michael S. Groff, Finance Director; Thomas R. King, Chief of Police; Charles DeBow, Parking Manager; Linda Welker, Tax Administrator; Carl Hess Planning/Community Development Director; Herman Slaybaugh, Planner/Zoning Officer; Norma Crater, Accounting Supervisor; Ernest Dabiero, Purchasing Manager; Anne Messner, Planner; members of the media; and other interested observers.

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

Public Hour – There were no citizens present who wished to speak about items not on the agenda.

ABC Reports

Redevelopment Authority – Vicki Fong, Redevelopment Authority (RDA) Chair, provided Council with the RDA's report and recommendation for the Verizon Building. She and staff reviewed for Council some of their recommended mixed use development. The RDA also recommended the Borough retain ownership of the site or redevelopment through a partnership.

Council held a lengthy discussion about the RDA's report and Mr. Rosenberger made a motion to receive the RDA's report and schedule additional discussion at a future work session. Mr. Morris seconded the motion which passed unanimously.

Consent Items – Mr. Hahn made a motion to approve the consent items listed below. Mr. Rosenberger seconded the motion.

- Approve vouchers for the month of October in the amount of \$4,225,610.29.
- Award Project #14-2010 (Storm Water Rehabilitation Project) to Greenland Construction, Inc., the low bidder, for a total amount of \$73,455.00.
- Approve the use of the Sidney Friedman Park, Municipal parking lot across from the Borough Building, the 200 block of South Allen Street, from Beaver Avenue to Foster Avenue, and various downtown sidewalks for a 5K Race and 3K Walk for the Autism Speaks Foundation on Saturday, April 9, 2011 from 12 p.m. to 4 p.m.
- Approve a Resolution authorizing the Borough Manager to act as the Borough's agent in the Execution of an Agility Agreement and Amendments with the Pennsylvania Department of Transportation.
- Approve a Resolution authorizing the purchase of vehicles and equipment from the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Contracts.
- Approve Downtown State College Improvement District's request to close the 100 block of South Allen Street, from East College Avenue to Calder Way, for DSCID's annual holiday tree lighting ceremony on Thursday, December 2, 2010, from 3 p.m. to 9 p.m.

The motion passed unanimously.

General Police and Administration

West End Zoning – Ms. Lafer made a motion to refer the West End Zoning amendment to the Planning Commission for review and recommendation. Mr. Rosenberger seconded the motion.

Council members briefly discussed the amendments made by staff following Council's November 8 work session.

Ms. Lawrence said in reviewing the Design Guidelines she noted there were several integrated surface parking lots. She said by allowing this it creates continuous parking across the back yards of properties, eliminating the back yards and green space in the West End.

Staff said Council could ask the Planning Commission to review that issue again. Council can always amend the referral report to include that concern.

Ms. Lawrence said she would like to make a motion to amend the referral report to include that the Planning Commission review the provisions which permit contiguous parking lots. Ms. Lafer seconded the amendment.

The amendment passed unanimously.

Some members of Council felt it was important to keep the West End zoning amendments moving. Others expressed concern that when Planning Commission recommended changing building height, it should have influenced how the design guidelines went forward.

The motion passed 4-3-0 with Messrs. Hahn, Morris, and Daubert voting against the motion.

Council members expressed concern if the West End zoning revisions from the Planning Commission come back before the Design Guidelines. Staff indicated they would not publish Council's notice of intent until the underlying zoning is ready to be approved.

Council suggested creating a partnership between the Borough, Penn State University, and Ferguson Township to develop the area bordering Ferguson Township. He asked if the ordinance and design guidelines, as written, prohibit such an enterprise.

Staff said the ordinance would permit public/private partnerships with some expectation that the public part would be in the form of tax increment financing.

Mr. Hess said Ferguson Township's zoning amendments are still under revision by the Planning Commission; however, their approach is similar with form-based zoning, pedestrian orientation, and mixed use with retail on the first floor. The difference is the permitted height with incentives for five and seven story buildings

The motion to refer the West End zoning to the Planning Commission for review and recommendation passed 6-1-0 with Mr. Hahn casting the nay vote.

Consider RO-O East Beaver Avenue Amendment

Mr. Filippelli made a motion to have staff schedule a public hearing on the RO-O East Beaver Avenue zoning amendment. Mr. Rosenberger seconded the motion.

Council discussed how building heights were measured and questioned the timing and purpose of this action.

The motion passed unanimously.

Schedule a Public Hearing of the Historic Overlay Ordinance for the West End

Mr. Hahn made a motion to schedule a public hearing and their intent to enact the ordinance on January 10, 2011. Ms. Lawrence seconded the motion. With no discussion, the motion passed unanimously.

Refer Fraternity Temporary Use in R2 and ROA Zoning Districts to the Planning Commission

On a motion by Mr. Daubert, and a second by Ms. Lafer, Council voted unanimously to submit the revised Fraternity Temporary Use to the Planning agencies for review and schedule a public hearing with Council's intent to enact the ordinance at their January 10, 2011 meeting.

One Council member asked for clarification that the temporary use would only be valid if the fraternity closed the house themselves. This option would not be an option if the house was closed due to nuisance property points. Staff indicated this was correct.

The motion passed unanimously.

Approve the County-wide Earned Income Tax (EIT) Collection Agreement

Ms. Lafer made a motion to recommend Council approve the ordinance authorizing the EIT collection agreement. Mr. Rosenberger seconded the motion.

Staff indicated the Borough would start collecting the county-wide EIT beginning January 1, 2012.

The motion passed unanimously.

Approve Neighborhood Sustainability Implementation Report

Ms. Lafer made a motion that Council accept and approve the Neighborhood Sustainability Report and Implementation Plan. Mr. Rosenberger seconded the motion.

Mr. Hahn made a motion to amend the report so the adoption of inclusionary housing has a priority level of high with a short timeline. Mr. Morris seconded the motion.

Ms. Lawrence said workforce housing should also be a high priority. Mr. Hahn agreed and amended his motion to include it.

Staff tried to reflect the status of these items in terms of the workload they would require of staff; however, given the way things may align, schedules and priorities may change. The Manager cautioned Council on changing everything to a high priority with a short timeline.

The amendment passed 6-1-0 with Mr. Rosenberger voting against the amendment.

Council members questioned the language related to the increase of enforcement. Staff said the intent behind the language is to make sure to not arrest innocent people. The available data and the level of enforcement is sufficient and will continue to improve the sustainability of the charges that are filed. Some members of Council had concern that the Borough is not strict enough in the enforcement of Borough laws.

Staff said the report could be amended by changing “increase” to increase officer initiated activity. Mr. Hahn turned staff’s recommendation into an amendment. Ms. Lafer seconded the motion. The motion passed 6-1-0 with Mr. Daubert voting against the motion.

Mr. Rosenberger said some try to promote State College as a friendly bicycle/pedestrian oriented town; however, stricter enforcement of cars stopping at crosswalks to allow pedestrians to cross the street is needed. He noted that pedestrians do not always cross at crosswalks or where they should and additional education may help.

Staff said these issues are primarily related to the downtown. This report was focused on neighborhoods and not downtown.

Mr. Daubert stated stricter enforcement of bicycle laws are needed, especially bicyclists driving without lights after dark.

Receive and Refer Rezoning Request at 507 Easterly Parkway (Kamilla Way)

Staff explained that Kamilla Way, the property owner of 507 Easterly Parkway, submitted a letter dated October 14, 2010 which requested the rezoning of this property from R2 to R3. The rezoning would allow the redevelopment of this lot with six new townhouses.

Ms. Lafer made a motion that Council receive the request and refer it to the Planning Commission for review and recommendation no later than January 31, 2011. Mr. Hahn seconded the motion.

Council members felt future requests should include a map of the area indicating the property involved and the current zoning districts.

Staff said the Planning Commission would only evaluate the request on the expansion of the R-3 district and not the request for six additional townhouses. The Commission will take into consideration the public services in the neighborhood, the impact this will have on the surrounding properties, etc.

Mr. Rosenberger added this was a private developer trying to build workforce housing and he hoped the Planning Commission would give this request serious consideration. Mr. Filippelli agreed.

Ms. Lafer also agreed and stated this is a developer with a track record of building this type of housing and doing it successfully.

Another Council member said he hated to see a playground disappear to build housing. Staff said there is substantial parkland adjacent to the site.

The motion to receive and refer the rezoning request passed unanimously.

Amend the Holiday Parking Program to include the weekend of November 19 and November 20

Council requested further explanation of this request. Mr. Filippelli explained because of the final Penn State home football game, the holiday parking program is starting three days later than normal so DSCID is hoping to get the weekend before the game included in the holiday parking program.

Mr. Filippelli made a motion to approve the DSCID's request to include the holiday parking program the weekend of November 19 & 20 and suggested DSCID market it correctly and start their holiday promotions earlier. Mr. Morris seconded the motion.

Council members expressed concern that DSCID seems to feel they have a vested right for the same number of free parking days.

Staff said DSCID is looking for the opportunity to attract customers downtown for three additional days, given the fact that students will leave town the week of December 13, the demand for parking will not be high the remaining two weeks before the holidays.

Council said having a home football game Thanksgiving weekend is bad for the State College merchants.

Staff reminded Council that home football games attract a lot of visitors to the downtown.

The motion failed 2-5-0 with Mr. Morris and Mr. Filippelli voting for the motion.

Official Reports and Correspondence

Mayor's Report – Ms. Goreham said she attended the unveiling of the “Dreams Take Flight” mural. She said it was a beautiful afternoon that included beautiful weather, music, dancing, and poetry. She added that the mural is absolutely beautiful and Elody Gyekis and Natalia Pilato deserve a lot of credit. She said this went a long way to build the community through art.

President's Report – Mr. Filippelli said Council will hold an Executive Session following this meeting to discuss personnel matters.

Borough Council adjourned the regular meeting at 9:25 p.m.

2011 Operating Budget

Mr. Filippelli called the work session to order at 9:27 p.m. The purpose of this work session was to discuss the Borough's 2011 Operating Budget. The focus for tonight's

meeting was General Revenue, Administration, Finance & Tax Collection, and Information Technology.

Staff began discussing the General Revenues. Departmental earnings are up 13% and interfund transfers are down. Staff is proposing no increase in taxes or user fees in the General Fund in 2011.

Next, staff discussed the Borough's Tax Collection. The Tax Administrator explained that they are able to operate the Tax Office with one fewer staff person because of their focus on helping people file electronically. She said some changes are proposed in 2011 to accommodate the collection of the EIT taxes for all municipalities in Centre County. Several municipalities have expressed interest in early implementation in 2011. The Tax Office is working to make these changes as seamless as possible and while increasing services to Borough residents.

Next, staff reviewed the proposed Administration budget. Staff is proposing a 2.3% increase in the total budget due to the increase in benefit costs for personnel. Staff anticipates a cost reduction in public information. We have shifted from printed public information to more of an electronic medium. We will continue to print the Annual Report; however, newsletters are loaded on the Borough's webpage and are emailed to subscribers. Residents who do not have access to a computer can still request hard copies. Staff is working to serve the needs of our residents more efficiently.

Staff said the proposed Information Technology budget is a status quo budget with the decrease of one employee. There will be a slight increase in capital expenses because of the hardware and software the Borough to purchase for the CCTCC EIT collection. There is also an increase in the budget for additional servers in the Police Department.

There being no additional business, the meeting adjourned at 10:01 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary