

**Meeting Minutes**  
**State College Borough Council**  
**Work Session**  
**Monday, June 13, 2005**

The State College Borough Council met in a work session on Monday, June 13, 2005 in the State College Municipal Building Council Room, 243 South Fraser Street, State College, PA. President Daubert called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor  
Thomas E. Daubert, Council President  
Elizabeth A. Goreham  
Craig R. Humphrey  
Jeffrey R. Kern  
Richard L. McCarl

Absent: Catherine G. Dauler  
James H. Meyer

Also present: Thomas J. Fountaine, Borough Manager; Terry J. Williams, Borough Solicitor; Michael Groff, Finance Director; Herman Slaybaugh, Zoning Officer; Amy Story, Borough Engineer; Thomas King, Chief of Police; Mark Whitfield, Public Works Director; Sheila Lubold, Recording Secretary; and other interested members of the public.

Public Hour - Hearing of Citizens. There were no comments made by members of the public.

HUB Lawn Stage Project. Mr. Fountaine gave a brief history of the HUB Lawn Stage Project to date. Penn State University had expressed an interest in constructing new facilities at the HUB Lawn including a permanent stage for community and University activities. Some concerns of Mr. Fountaine are how will it work to benefit the University and the community and mainly how can the noise level be controlled. The biggest events that are currently occurring at the HUB are the AfterFest, Earth Day and other similar events. To date the proposal has only been a dialogue with the University looking for the Borough's input in the approval of events that would occur at the HUB. A draft proposal outlining the conversations between the University and the Borough was attached to the agenda for the Council's review. The current proposal would allow for 6 special events designated by the University in advance but with the understanding that the Borough would still be able to intervene if the event became a noise nuisance. Stan Latta from the University was present to address questions and concerns of Council Members.

Mr. Latta expressed the University's desire to have this process be a positive interaction with the Borough by allowing for input from the Borough especially for those events that would be using amplified sound.

Mr. Fountaine pointed out some of the recommendations that are being proposed. The events could only be held on a Friday or Saturday night or the night before a major holiday. The Council would be asked to waive the noise ordinance but only with the understanding that the ordinance could still be imposed if a problem were to develop. The Borough would only be notified of events that would be using amplified sound.

Ms. Goreham felt the protocol seemed adequate as long as construction design would include sound barriers. Mr. Latta stated that the engineers are trying to develop a design that would have the sound be directed into the lawn and away from Boalsburg. However, the sound could not be directed towards the HUB because of planned renovations in the area which would make a design like that difficult to accomplish. Mr. Latta also felt that by having the sound be redirected towards that HUB would just allow for the sound to bounce off of the buildings back and towards the Downtown area. It is the University's plan to change the degree of slope of the lawn in an effort to have the sound minimized.

Mr. McCarl reviewed the plans and ideas and found the project to be "exciting" but did express concerns that activities normally held at the HUB would be shifted to the Old Main Lawn. Mr. Latta said this is not the intention of the University. Mr. McCarl felt that maybe the 9 p.m. time limit may be too early for such events as Under the Stars and there may be more interest than just the proposed limit of six events. Mr. Latta stated that six events was just a number to start with and that could be changed if greater interest develops. He also addressed the concern about the time limit and stated many events do not allow for additional lighting and that is how the 9 p.m. time limit was determined. Mr. McCarl also questioned if there would be any permanent seating? Mr. Latta said there would be seating on the perimeters of the lawn but there would be no amphitheater seating.

Mayor Welch felt the protocol required too many people be called in the event that a problem would develop. He felt the police should be called rather than calling the adult in charge first. Mr. Fountaine stated it would be easier for the Borough police to deal directly with Penn State Police Services who would then contact the adult in charge. This thought was supported by Chief King. Mr. Latta added that Penn State police would know who the contact person was for each event.

Mr. Daubert questioned what would happen with groups that do not listen and will not turn down the sound. Mr. Latta informed Council that it is part of the signed contract that the University will control the sound limit. Mr. Daubert was still concerned that this would not limit the noise.

Mr. Kern made reference to complaints he receives and having his windows rattle and feels there needs to be a way to push the music back onto campus and away from the Borough. People are not against the concerts but many residents do not want to "go to the concert" while at home.

Mr. Daubert asked if the University would be changing the procedure to use the stage and Mr. Latta said the community would be encouraged to use the stage and use of the stage would be free. Mr. Daubert felt this should be added to the protocol.

Ms. Goreham questioned how far along the plans are and if the Borough would be able to see the design. Mr. Slaybaugh stated that Council could see the design when completed but at this point the University wanted to know if there would be support from Council for this project and that is what brought about this meeting.

Mayor Welch would like to be able to review the protocol after the first year and make any necessary changes.

Mr. Latta said it is the University's intent to open up the HUB Lawn and allow for more activities while still trying to keep it as a "lawn" and not allow for a lot of pedestrian traffic. They hope to draw more informal activities with the construction of the stage.

Mr. McCarl questioned whether the contract included a limit on the decibel level that is allowed. The University does not currently have a set decibel level but it something that they are considering in an effort to control the sound and end an event if it were to get too loud.

Mr. Fontaine reiterated the main purpose of this meeting was not to decide on specifics concerning the protocol but to reassure the University before investing a lot of money that Council is willing to work with them on this project.

Mr. Daubert stated that there would be a need to have specific names and absolute titles for the contact person and not have it just be a staff member. He did not feel that the Police should make a decision about ending an event. Mr. Latta did not feel that the University would have a problem with this request.

Ms. Goreham asked if the resolution was passed, would the Borough still be able to monitor the sound and the effects on the Downtown. She feels the Borough is already under a lot of stress.

Mr. McCarl questioned if the use of acoustic fences was a consideration. Mr. Latta said this aspect has not been considered but is something that he would talk to the engineers about.

Ms. Goreham asked if an acoustic study was completed and, if so, would a copy be made available. Mr. Latta has that information and will provide Ms. Goreham with a copy.

Mayor Welch ended this portion of the meeting by stating the bottom line will be agreeing on and controlling the sound level, but he could see the potential for community groups having an interest in using the stage.

Regional Parks. Mr. Daubert started this discussion in referring to a letter dated May 18, 2005 that was received by Dr. Patricia Best of the State College Area School District from Ronald J. Woodhead, Director of Centre Region Parks and Recreation (CRPR). From this letter, Mr. Daubert got the impression that the CRPR is going to try to "do away" with the Welch Community Swimming Pool located on Westerly Parkway.

Mr. McCarl responded by saying he has served on committee boards involving CRPR and feels the goal of CRPR is to repair and improve the Welch Pool. The current pool is not large enough. Mr. Humphrey also added that he was under the same impression and with changes being made to the State College High South Building this would allow for more land and more options for the Welch Pool.

Mr. Kern agrees that the pool is in need of repair but that does not mean that the CRPR wants to move the pool. He felt that Council needs to work with the CRPR to find a solution for the Welch Pool.

The issue of which parks should be included in the Centre Region Parks System was also discussed. Mayor Welch felt a good start would be with the park that is being bought jointly and if that works well, other parks can be added at a later time.

Mr. Fontaine gave some background information on how the discussion on this project has developed. It was recognized that there was a need for more facilities for sports activities. During the process of developing ideas, COG began to work with Penn State University to see about obtaining land from the University to develop two new sites, Oak Hall Road Park and the future Whitehall Road site. As discussion continued on these two sites, the idea of adding existing parks to the Centre Region Park System started to be considered. Some municipalities were in favor of adding more parks, others were not. The question being asked of Borough Council is, will Council support the list of parks that was presented to them tonight?

Mr. Daubert felt that the parks system should start with the Oak Hall Road Park as a pilot park and possibly add more parks if that works well.

Mr. Kern questioned on why there is a need to have a separate Regional Parks System. He feels that just because a park is owned by a certain municipality that does not stop people from other

municipalities from using the park. Mr. Daubert and Mayor Welch agreed with Mr. Kern's view and Mr. Daubert feels Council should not approve the current list and start with just the Oak Hall Road Park.

Mr. McCarl felt the problem will be how to distribute the costs for the parks but thought it was a good idea to proceed with the Oak Hall Road Park.

Ms. Goreham suggested that since each municipality is unable to maintain the playing fields themselves, there should be a group effort to apply for grants together.

Ms. Goreham also asked if everyone was happy with the current COG Ad Hoc Land Committee board and how it is organized or should that be changed.

Comment on Urban Village Preliminary Report. Planning Director Carl Hess participated in the discussion of the Urban Village Study Draft Report Phase II prepared by Economies Research Associates (ERA) via speaker phone. Mr. Hess was looking for feedback from Council on how to advise ERA to proceed with their final report for the Urban Village.

Mr. Hess reviewed with Council a memo prepared by staff that highlighted the main points of ERA's draft report and the status of where the Borough is in the process. Mr. Hess noted that the draft report reflects more input from property owners in the UV and from the business community than it does from permanent residents of the neighborhood south of the UV. Considering the amount of data contained in the draft, it had fewer implications than staff expected. However, the report did validate the trends that we thought were occurring.

Mr. Hess felt the ERA needs to clarify why they used a twenty mile radius in their report. Is the twenty mile radius the actual market area for State College? In staff's opinion, this is the most critical question that needs to be addressed because so many of the conclusions in the draft are based on the market area. Mr. Hess also felt the final report needs to consider the tourist aspect, the importance of the daytime population to the Urban Village and businesses, a detailed analysis on the impact of employment on market opportunities, the need to improve the connection between the Urban Village and campus, and the fiscal (i.e., tax base) implications relative to residential or commercial development. Council was asked for suggestions on anything that was overlooked and for any feedback that should be given to ERA in hope of completing this step in the process before the end of summer.

Mr. Daubert questioned the level of detail that ERA was contracted to do. Mr. Hess stated that ERA was supposed to develop specific ideas on land use and development and give their vision of the Urban Village Project. Mr. Daubert also questioned the University's willingness to cooperate with the project and commented that the area of the Urban Village where there were concerns about the age of housing stock should be the property west of Atherton Street and not just west of Sparks Street. Mr. Daubert said that Council wanted ideas on how to better develop this entire area.

Ms. Goreham stated that she was disappointed in the limited amount of discussion that was given to the Ferguson Township property that is adjacent to the Urban Village and asked how there can be both commercial and residential growth in this area.

Mr. Kern felt that discussion with and working with the University is critical for this project. He also mentioned the growth that has happened across Railroad Avenue. He added that he was disappointed that ERA did not recognize there are also other similar market feasibility studies being done such as the one for the Shiloh Road interchange area. This is the same type of data and there are others who are looking at the same residential competitors. Mr. Kern would like to see some suggestions on how the appropriate development can combine lots, change zoning and other things that have worked in other areas.

Mr. McCarl questioned if the fiscal implications that are missing from the draft report will be included in the final report. Mr. Hess stated that it will be pointed out to ERA and they should either add that to Phase II Draft or included it in the final document. The key issue here is the effect different types of development will have on the tax base.

Mr. McCarl was also concerned about incentives that could or would be given to encourage property owners to tear down houses and buildings and start over again.

Mr. Daubert asked for clarification on the intent of the O. W. Houts' property that connects the Borough and Ferguson Township. The report gives the implications of replacing the property but it was thought they just wanted it improved.

Mayor Welch questioned if there was any thought given as to what will happen if the owners of Houts "throw in the towel".

Mr. Hess said the current management at Houts does not seem to be thinking about what will happen when they are done with the property and how they can better utilize the property now by working with the University. They seem to be most concerned with the current day to day situation.

Mr. Humphrey made reference to the third bullet on page 44 of the draft report and stated he would like if they could provide a better definition and state how it relates to new construction and what impact it will have.

Mr. Hess said that it was ERA's assessment that the student apartment market is very over built and felt the Borough needs a more exact idea on what ERA is thinking about how to respond to this. ERA needs to be looking at more than just a student market and look at targeting different areas.

Ms. Goreham pointed out that retail sales in the Borough are above what is estimated for this base so there should be some thought put into how to build upon this. There needs to be a new approach based upon how markets are changing.

Mr. Hess stated the report needs to look out to Corl Street and not look at single properties but at the long term redevelopment possibilities for a larger part of the UV and adjacent property in Ferguson Township. We need to emphasize the need to look more broadly and to identify areas that can be targeted for redevelopment over time.

Mr. Daubert wondered if changing the zoning between Atherton Street and Sparks Street would allow for better development and the development of new places. He felt more needs to be added to the report.

Mr. Hess noted that ERA put a lot of emphasis on the importance of apartment units being within walking distance to campus. The units east of Sparks Street are not the newest but are closer in proximity to campus and ERA thought this would make this area more competitive in the student housing market. Mr. Hess also stated that he is trying to get a copy of the Shiloh Road study to review and compare how that market area is defined.

Mr. Fontaine felt copies of this report should be given to specific groups and property owners and said a copy would be posted on the web. Mr. Kern also felt a copy should be available to the press.

It should also be noted that Ferguson Township will be reviewing the draft report at an upcoming meeting.

Transportation Commission's Progress on East Highlands Traffic Mitigation Plan. Mark Whitfield, Director of Public Works, gave a progress report for the East Highlands Traffic Calming Study. Mr. Whitfield reviewed Step 1 and Step 2 of the study which have been completed. The next step is Step 3 – Approval Process. The proposed plan will be finalized after the Public Meeting that is scheduled for June 14, 2005. If all of the scheduled deadlines are met, the final plan should be presented to Borough Council for approval in September 2005 and the final step, installation, can be started in October of 2005.

Phase I of the project will allow for the placement of transverse pavement markings on Garner Street; two speed humps on Foster Avenue; four speed humps on Prospect Avenue; transverse pavement markings and three speed humps on Hamilton Avenue. The pavement markings will be similar to thermoplastic rumble strips and the speed humps will be 3.5 inches high reducing the traffic speeds to 22 MPH. The estimated cost for Phase I is \$15,000.

Phase 2 of the project will allow for the placement of three speed humps on McCormick Avenue; three speed humps on Waring Avenue; three speed humps on Irvin Avenue; and a speed hump on Hetzel Street. The estimated cost for Phase II is \$14,000.

Mr. Daubert questioned the width of the travel lanes on Garner Street. It was explained that the project called for Garner Street to be re-striped to provide ten-foot vehicle travel lanes and 5.5-foot bike lanes. However, this new sizing would not allow for parking along the street.

Mr. McCarl asked how the decision would be made whether to go forth with the project or not. Mr. Whitfield explained that a survey would be done and comments and feedback would be accepted and it would be left open to the Traffic Calming Committee (TCC) to decide if there was enough support to continue. Mr. Kern added that it was not a matter of "taking votes" and the responses would be used as data rather than votes with Borough Council making the decision. Mr. McCarl hoped that everyone would be able to mutually agree on something.

Mr. Daubert asked if signs would be required for the speed humps and markings. Mr. Whitfield stated signs would be needed.

Mr. McCarl asked what the format was going to be for the public meeting and if Council should attend. Mr. Whitfield stated the meeting would be informal and serve as a means to receive comment from citizens. He did not feel Council needed to attend.

Spring Creek Watershed Commission. Amy Story, Borough Engineer, has been working with the Spring Creek Watershed Commission (SCWC). Ms. Story has attended three meetings and is excited about the plans and ideas of the SCWC, however the group has been struggling with how to proceed since the funding from the Commissioners has been stopped. The SCWC has some ideas on how to proceed and would like to take some action at upcoming meetings but would first like feedback on Council's thoughts. Ms. Story was also looking for some guidance on whether they could develop a "storm water authority" under Pennsylvania Municipal Authorities Act (PMAA). There is some confusion on what can be done and how to proceed. She also noted that Lancaster County has tried to develop an authority and SCWC is attempting to contact them to see why they stopped pursuing the development.

Ms. Goreham recognized that there are storm water issues in the region and throughout the county. Ms. Goreham questioned if there was an interest county-wide on addressing these problems.

Ms. Story stated several municipalities are not interested; only the municipalities that are affected would consider participating. She questioned if Borough Council was interested and if this is something that she should pursue.

Mr. Daubert questioned why the concern was limited to storm water. Ms. Story explained that this is a concern since Act 220 – State Water Resources Planning Act was adopted. Since the Act was adopted, the group is trying to improve storm water management within all the watersheds. If it is not done as a group, most likely each municipality would have to work on their own. The biggest problem facing the group is funding. Ms. Story questioned if it would be possible to ask for a yearly stipend but was unsure if everyone would support the idea.

Mr. Kern felt that it was not necessary to receive funding from everyone at the same time. After the group is established and starts to grow, the group may be able to gather support. Since the Borough is part of the problem, it should be part of the solution. Mr. Kern wondered if Council would be able to budget \$1,000 even if others do not support the idea.

Mr. Daubert stated the Council does not want this idea to be dropped and Ms. Goreham added that Ms. Story has Council's support.

Review Resolutions for the Pennsylvania League of Cities and Municipalities (PLCM) 106<sup>th</sup> Annual Conference. Council was asked for input on the resolutions being presented at the 106<sup>th</sup> PLCM Annual Conference. Resolution #5 dealing with Local Alcohol Tax for Economic Development was discussed. Mr. Fountaine would encourage a percent of the tax be made available to law enforcement and others dealing with the alcohol effects from establishments serving the alcohol.

Mr. McCarl questioned if there would be any comments about the gambling money that was turned down by the school districts. Mr. Daubert said no because that deals more with school districts.

Mr. Kern questioned Resolution #2 and the section dealing with post-retirement healthcare costs. He asked Mr. Fountaine if moving early retirement health care cost to the pension plan would be beneficial and if there would be enough money in the pension fund for this benefit. Mr. Fountaine said that he would have to research the answer to this question.

Items of Information. Mr. Daubert stated that Council would be discussing Incentive Zoning at upcoming meetings and he would do a memo for the next meeting so it can be discussed. Mr. Kern said that he talked with property developers and asked what type of incentives they needed. Mr. Fountaine asked that that information be provided to him and he would work with Planning and see that Council received that information.

Mr. Daubert noted that it will be three weeks until the next meeting and asked that Council keep office staff informed when Council would be out of town. Everyone is expected to attend their liaison meetings and if the Council member can not attend, inform Mr. Daubert of that and he would try to find someone to attend. Everyone is planning to be in attendance for the July 5 and July 11 meetings and Council will have a few things to discuss.

Mr. Fountaine also reminded Council that on the July 5 meeting, the transfer of the Liquor License would be discussed but no action would be taken.

There being no further business, the Council adjourned to an executive session at 9:41 p.m.

Respectfully submitted,

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Cynthia S. Hanscom  
Assistant Borough Secretary