

Meeting Minutes
State College Borough Council
Regular Meeting
Monday, June 6, 2005

The State College Borough Council met in a regular meeting on Monday, June 6, 2005, in the State College Municipal Building Council Chambers, 243 South Allen Street, State College, PA. Mayor Welch called the meeting to order at 7:30 p.m.

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

Absent: Catherine G. Dauler

Also present: Thomas J. Fountaine, II, Borough Manager; Terry Williams, Borough Solicitor; Thomas R. King, Chief of Police; Mark A. Whitfield, Director of Public Works; Michael S. Groff, Finance Director; Amy S. Story, Borough Engineer; Herman L. Slaybaugh, Zoning Officer/Planner; Cynthia S. Hanscom, Recording Secretary; members of the media; and other interested observers.

Mayor Welch began with a moment of silence and the pledge of allegiance.

Swearing-in of New Council Member: District Magistrate Carmine Prestia was in attendance to swear-in newly appointed Council Member Richard L. McCarl. Mr. McCarl will serve the unexpired term vacated by Janet K. Knauer.

PUBLIC HOUR

John Simbeck, 601 W. College Enterprise, said he had talked with Council on the problems and needs in the Urban Village for the past 11 years. There was a study done several years ago and a lot of time was spent determining what people would like to see happen in this area. There were changes occurring but he asked that Council consider adding some aesthetic amenities to improve the look and feel of the area. Small improvements such as trash receptacles like those located on downtown sidewalks, would help to solve problems with trash in the area. Also, many of the street names are not posted and mail carriers cannot make deliveries. These are small, inexpensive improvements that would improve the aesthetics of the area.

PUBLIC HEARINGS

Commercial Incentive Zoning. Mr. Fountaine said, on April 4, 2005, the Planning Commission presented a Commercial Incentive District Ordinance for Council's consideration. The Ordinance includes incentives for certain types of commercial and residential uses in areas 7 and 8 as identified in the Downtown Vision and Strategic Plan. On April 11, 2005, Council decided against establishing a pending ordinance and instead, asked that the proposed ordinance be reviewed first by Council and other interested parties. Council started their review at the April 29 work session. During the discussion, Council was presented with a proposed schedule for consideration and adoption of the amendment. Four public meetings were held to take public comment on the ordinance. Draft minutes of those meetings were distributed to Council as well as written comments from the Downtown State College Improvement District and an explanation of classes of office buildings from staff.

Mr. Kern moved and Ms. Goreham seconded a motion to hold the public hearing on the proposed ordinance. The motion passed unanimously.

Teresa Sparacino, Executive Director of the Downtown State College Improvement District (DID), clarified the written comments regarding extending the boundaries of the district. She was suggesting the district be extended south to Nittany Avenue and west of Pugh Street.

Richard Schein, 526 West Nittany Avenue, said he had lived in the neighborhood abutting the proposed district for the last 50 years, previously in the 300 block of South Gill Street and now in the 500 block of West Nittany Avenue. In the 1960s, a group of property owners on Gill Street persuaded Council to extend the R-2 district. This was because of apprehension with one house at the corner of Gill Street and Nittany Avenue that had been converted to five apartments; trash and noise problems from that one property raised enough of a concern for the neighborhood residents. He asked that Council consider the effects this proposal would have on the Holmes-Foster Neighborhood residents. On-street parking is an issue now and will only get worse if major redevelopment occurs. The Borough would stand to lose a significant single-family community.

Dan Abruzzo, Chamber of Business and Industry of Centre County (CBICC) and Heritage One, expressed his agreement with the DID in that this zoning should be applied to more the just area 7 and 8. There were other sections of the downtown where the proposed zoning would be applicable. Because of market concerns, Mr. Abruzzo suggested the Borough find a developer to create a phantom project in the proposed district to address the market concerns. The business community has expressed concerns on whether development according to this ordinance would be viable.

Mr. Abruzzo commented the zoning incentives address only the physical aspects for highest and best use. Because unit costs increase if the project is more than five or six stories, the highest and best use affects the financial aspects of a project. He suggested incentives could be offered that reduce the monthly costs such as discounting parking rates in Borough-owned garages, reducing sewer tapping fees, or lowering rental housing permit fees. Another possibility is to seek a tuition reduction from Penn State for residents.

James Smith, H.O. Smith & Sons, noted he had been to several of the public meetings where staff made a presentation on the Commercial Incentive District. His primary concern was the requirement for primary residency for owner-occupied housing. Constructing a building with three or four stories of owner-occupied housing as primary residences is a pipe dream. Owner-occupied housing could be alumni that use the unit as a second home. He agreed that owner-occupied housing was a positive requirement to maintain the quality of housing but requiring primary residency would defeat the possibility of redevelopment.

Pat Vernon, 900 Walnut Spring Lane, said the proposed zoning was a good concept but needed some adjustments. Developers will not take advantage of the incentives and build within this small area. The proposed district should be expanded to the south to Foster Avenue and into the main core of the downtown. He also suggested that 3-D examples of development should be shown. It is difficult to view this in a two-dimensional way.

Gloria Thompson, 500 E. Marilyn Avenue, said she was shocked with the development occurring at the corner of Garner Street and Beaver Avenue. This would only add to the Beaver Canyon problems. Her understanding of the vision process was that a goal was to entice families into the downtown but it could not be done if Council would limit parking requirements. Mr. Daubert noted that there would not be a parking reduction for residential uses; the parking reduction would be for office uses.

Cindy Carpenter, 312 Ridge Avenue, said the traffic on Atherton Street was already unmanageable. Redevelopment would only add to the impacts on an already busy street. She mentioned that the vista would be changed with higher buildings. She noted when she moved to State College she had a view of the mountains that has gradually been taken away. She believed the protection of the vista was taken into consideration in previous legislation and that Council should consider the vista when considering this legislation.

Ms. Carpenter asked about the environmental incentives being offered. Ms. Goreham indicated they were based on Leadership in Energy and Environmental Design Green Building Rating system (LEED) standards.

Skip Smith, 941 Redgate Road and with H.O. Smith & Sons, noted the requirement for primary residency was buried within the document and referenced the section of the proposed ordinance where it was mentioned.

There being no further comments, Mayor Welch closed the hearing.

CONSENT ITEMS

Farmers' Market. Mr. Fontaine noted an application from the Central Pennsylvania Farmers' Market Association was received to conduct the 2005 Farmers' Market on Locust Lane. The Market area is the same as in previous years and is to be held each Friday between the hours of 10:30 a.m. and 5:30 p.m., beginning June 3 and continuing until November 11 (excluding Arts Festival week). Mr. Fontaine recommended approval be contingent upon (1) Calder Way and Wilson Alley being kept open to vehicular traffic at all times; (2) the Association supplying, installing, and removing barricades; (3) the Association cleaning the area prior to closing on each day of operation; (4) the Association being responsible for paying for the use of the area; and (5) the prohibited sale of live animals. Borough staff will bag meters within the market area.

Mr. Daubert asked if arrangements had been made for restrooms. Mr. Fontaine said he did not know and would check into it.

Ms. Goreham moved to approve the application with the conditions listed above. Mr. Kern seconded the motion, which passed with a 6-0-0 vote.

Downtown Concerts in the Park. Mr. Fontaine explained an application was received from Downtown Improvement District (DID) to use part of the 200 block of Fraser Street in conjunction with the Summer Concert Series being held in Central Parklet. Concerts will be held on Tuesdays, July 19, July 26, and August 2. To accommodate the Lions Club's food van and other

vendors serving this activity, the DID is requesting traffic on Fraser Street be rerouted from Foster Avenue to the left lane of Fraser past the Parklet (a configuration similar to that utilized during the Arts Festival), from 3:00 until 9:00 p.m.

Prior approval for use of the Parklet was received from Parks & Recreation Department for this event.

Ms. Goreham moved and Mr. Kern seconded a motion to approve the application. The vote passed with a 6-0-0 vote.

Neighborhood Block Party. Mr. Fontaine said a request was received to close Crestmont Road between Walnut Street and Fraser Street for a neighborhood block party on Saturday, June 25, 2005, from 12:00 noon to 2:00 p.m.

Ms. Goreham moved to approve the closing of the street. Mr. Kern seconded the motion. The motion passed with a 6-0-0 vote.

Use Public Sidewalks for a Demonstration. Mr. Fontaine said a request was received to use public sidewalks for a demonstration event for "Dogs Deserve Better." The event will take place at Websters Bookstore at 128 South Allen Street in downtown State College from 5:00 p.m. on Saturday to 8:00 a.m. on Sunday morning.

Mr. Welch asked if there would be animals involved. Mr. Fontaine replied there would not. Mr. Kern asked if there would be noise associated with the demonstration. Mr. Fontaine explained it was a silent, visual demonstration.

Ms. Goreham moved to approve the use of the sidewalks. Mr. Kern seconded the motion, which passed unanimously.

BIDS/CONTRACTS/AGREEMENTS

Contracted Pruning Services. Mr. Fontaine noted that bids for contracted pruning services were opened on May 20, 2005. The contract will include the pruning of trees in three different sections of the Borough. Competitive bids were solicited for each section, and the Borough reserved the right to award each section to the lowest bidder for that section. Most of the trees to be pruned are located in the College Heights, and along University Drive and Atherton Street. The availability of bid packages was advertised in the *Centre Daily Times* in accordance with the Borough's Purchasing Ordinance. Seven Pennsylvania tree trimming service providers expressed an interest in doing the work; one bid on the project:

Block	# of Trees	Dincher & Dincher Williamsport
A	137	\$12,715.00
B	59	\$4,185.00
C	120	\$6,585.00
Bid Award Totals	316	\$23,485.00

The Arborist and Purchasing Director reviewed the bids. Dincher & Dincher submitted the only bid for Blocks A, B, and C for a total of \$23,485.00. Bids submitted comply with all required specifications. An amount of \$24,000.00 has been budgeted for this work.

Mr. Humphrey asked if the "blocks" refer to blocks of trees or areas of town. Mr. Sam explained the pruning was divided into separate areas to split up the work.

Mr. Meyer asked why only one contractor bid on this project. Mr. Sam noted that Dincher & Dincher has been awarded the contract for the last several years. Other companies have indicated that they could not compete. The larger companies are out of town and would have to lodge the workers while smaller companies do not have enough equipment to complete the job.

Mr. McCarl asked if the pruning would include the removal of any trees. Mr. Sam explained tree removal is done by Borough crews.

Mr. McCarl asked about the oak trees in Holmes-Foster Park. Mr. Sam was confident that Borough staff had inspected the trees and removed a total of 30 trees that were old and decaying. The trees in the park will be monitored to insure that problems do not occur.

Mr. Humphrey moved to award a contract for tree pruning services to Dincher & Dincher, in the amount of \$23,485.00. Ms. Goreham seconded the motion. The motion passed with a 6-0-0 vote.

4-CDBG-2005 Downtown Streetlights. Mr. Fontaine indicated the bids for Project 4-CDBG-2005 Downtown Streetlights were opened on May 24, 2005. The base bid includes the installation of 12 decorative streetlights, conduit, wiring and appurtenances along Atherton Street between College Avenue and Beaver Avenue. Alternate A2 included (12) 175-Watt Metal Halide Luminaries. Alternate B included the installation of 4 decorative streetlights, conduit, wiring and appurtenances along Atherton Street between Beaver Avenue and Highland Alley. Alternate B1

included (4) 150-Watt High Pressure Sodium Luminaries. Alternate B2 included (4) 175-Watt Metal Halide Luminaries. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 6 bid packages were purchased. The following bids were received:

Bidder	Base Bid	Alt A1	Alt A2	Alt B	Alt B1	Alt B2
Kuharchik Construction Rhoda Kurharchik, Pres. Exeter, PA	\$160,428.75	\$19,200.00	\$19,200.00	\$57,189.40	\$6,400.00	\$6,400.00
Tel-Power, Inc. Teddy A. Lykens, Pres. Hollidaysburg, PA	\$176,153.00	\$18,720.00	\$18,720.00	\$62,863.00	\$6,240.00	\$6,240.00

Construction time is divided into two phases. Phase 1 includes the construction of the foundations, installation of conduit, wiring and appurtenances and shall be complete within 60 days of the Notice to Proceed. Phase 2 includes the installation of the streetlight poles and luminaries and shall be complete within 114 days of the Notice to Proceed which is anticipated to be issued on June 26, 2005. However, no construction may begin until we receive a Highway Occupancy Permit from PENNDOT, for which application has been made. Funding for the project is available in Account 18-465-716.

Mr. Fountaine distributed a memo on lighting comparing the cost and efficiencies of metal halide bulbs and high pressure sodium bulbs.

Mr. Daubert asked why this project would take six months to complete. He also questioned the cost of \$15,000 per light. Mr. Whitfield explained the cost is higher because the underground conduit will need to be placed. The cost of the fixture is \$6,000 and the foundation is \$2,500. In this case, it is a whole new lighting project and there are no foundations that can be reused. The timing of the project is pushed to six months because of the lead time needed to order the steel.

Mr. Daubert asked if the sidewalks would be torn up for four months while waiting for the steel posts. Mr. Whitfield explained the project would be non-invasive; the conduit can be run by boring holes.

Mr. Simbeck noted when projects such as this are done, many times it is necessary to close one lane of traffic. He suggested the work be done in the evening hours when there is less traffic. Visitors and residents find it very frustrating to come downtown during the day when traffic is restricted. Ms. Story noted daytime construction is done because of noise restrictions. There are residences in that corridor as well as a hotel. While the foundations are done, the traffic will be reduced to one lane. The Borough has permission from PennDOT to bore under the state road for the conduit which limits the amount of time that traffic will be down to one lane.

Mr. Kern asked how long the work would take. Ms. Story replied the contractor would be restricted from working over the Arts Festival and home Penn State football games; however, she expected the project to be completed by the time students returned in the Fall.

Mr. Kern noted people perceive that they cannot drive in town. Atherton Street is very busy. It is the norm to sit through several lights just to get somewhere. He asked what could be done to maximize the traffic flow during construction. Mr. Kern noted that work on Penn State's Information Science & Technology (IST) building was completed at night. Ms. Story explained that project was bid for overnight construction; this was not. She said that staff can work with the contractor to insure the least possible interruption in the traffic flow.

Ms. Goreham asked if the Borough would be paying for the electricity for the lights. Ms. Story replied the lights would belong to the Borough and electricity would be the Borough's responsibility.

Mr. Vernon asked if the design for the light fixtures had been shown to the Design Review Board. Mr. Fountaine replied that Council had been presented with the design. Mr. Vernon commented the lights on Garner Street "missed the mark" and hoped the proposed fixtures would be better.

Mr. Whitfield commented the new inductive fluorescent lights were being considered. Staff hoped to get those installed as a change order if the cost were comparable. The fluorescent bulbs would last 100,000 hours.

Ms. Goreham moved to approve the base bid with Alternate A1 and with the option to negotiate for the fluorescent lights. Mr. Humphrey seconded the motion. Mr. Kern asked the motion be amended to instruct staff to find ways to minimize the traffic impact on a daily basis. The amendment was agreed upon. The vote on the motion was 6-0-0 in favor.

Easement for Sidewalk Between Schlow Library and the Municipal Building. Mr. Fountaine said the plans for the Schlow Library project include a sidewalk that would extend from Allen Street to "A" Alley, and would be constructed along the boundary line of the Municipal Building property. The proposed 5 foot wide sidewalk would be adjacent to the library parking area. Borough staff raised concerns about the proposed 5 foot width of the sidewalk to the library architect since

vehicles will overhang the sidewalk from the parking lot. Staff recommended the sidewalk be widened to 8 feet. The wider sidewalk, however, would extend 3 feet over the property line of the Municipal Building tract. An easement has been prepared to permit the construction of a portion of the sidewalk on municipal property. The library will maintain the sidewalk. Included in the easement, is the future maintenance of the plant material being placed by the library on the Municipal Building property to screen the parking lot from the Municipal Building. Once installed, the Borough will maintain the plant material.

Mr. Daubert expressed concern that the plant materials would block the police department windows. Mr. Fontaine indicated the plants would not be close to the windows. Also, the Borough would maintain the plants so they would not grow too high.

Ms. Goreham noted that this would create a more gracious connection between the municipal building and the library.

Mr. Kern moved to approve the easement for Schlow Library to construct a sidewalk on municipal property. Ms. Goreham seconded the motion, which passed with a 6-0-0 vote.

Exchange of Land w/ Jeramar along South Allen Street. Mr. Fontaine asked this agreement proposal be tabled as there were issues to resolve with the owners.

Mr. Kern moved and Mr. McCarl seconded a motion to table the agreement. The motion passed unanimously.

CATA Budget. Mr. Fontaine noted that Council discussed the proposed CATA budget at their work session of May 9 and forwarded concerns to the COG Finance Committee. Members of Council also raised concerns about the Miller Formula at the COG General Forum meeting on May 23, 2005. The General Forum agreed to recommend approval of the CATA budget for FY2005 and forward it to the municipalities for ratification. The General Forum action also clears the way for an ad hoc committee to evaluate the CATA funding formula prior to the next budget.

Ms. Goreham moved to approve the Borough's share of the CATA budget for 2005/2006. Mr. McCarl seconded the motion. The vote was 6-0-0 in favor of the motion.

Mr. Meyer said to ensure the funding formula is addressed prior to next year, he suggested this Council look at routes at a work session over the summer. This would give CATA enough time to accommodate any losses in funding. Mr. Daubert noted that the ad hoc committee will be established to by COG to investigate the best alternative for funding CATA in future years so that it treated like a regional agency rather than a collection of individual routes controlled by individual municipalities.

Mr. Meyer moved to schedule a discussion at a work session this summer on which routes the Borough would no longer care to finance. Mr. Kern seconded the motion, which passed unanimously.

Mr. Meyer moved to communicate to COG and CATA that the Borough has requested informally that CATA be funded on a regional basis and treated as a regional system, even though the Borough would be required to increase its funding level. It should be noted that this is not an attempt to save money but rather put some sanity into the funding system. Mr. Kern seconded the motion. The motion passed with a 6-0-0 vote.

NEW BUSINESS

Pennsylvania Department of Environmental Protection (DEP) Grant. Mr. Fontaine noted the DEP has opened an application period for municipalities to submit applications for Act 101, Section 902 monies for recycling equipment. Staff has been informed by DEP that this may be the final opportunity for grants under this Act. Staff is recommending the submission of a grant to reimburse the Borough 90% of the cost of a compost turner, yard waste site improvements (including paving the loading area and construction of a concrete pad for the compost screener), and a uni-loader. The total grant amount would be \$450,000 and the Borough's match would be \$50,000.

Mr. Humphrey noted the composting equipment was costly. Mr. Whitfield explained there was close to \$1,000,000 in equipment at the composting site, most of which had been purchased with state funding.

Mr. Daubert asked if this was listed in the Capital Improvement Program for this year. Mr. Whitfield noted that the money would not be available until 2006. This would be listed in the 2006-2011 Capital Improvement Program. If approved, the Borough will have two years to spend the grant.

Ms. Goreham moved to approve Resolution 882 authorizing a grant application to DEP as well as appropriating matching funds. Mr. Kern seconded the motion. The motion was approved with a 6-0-0 vote.

Vacate an Unnamed Alley in College Heights. Mr. Fontaine noted that a request was received to vacate an unnamed alley in College Heights. The alley runs parallel to Hillcrest Avenue and is approximately 163 feet in length. A petition has been signed by three of the five abutting property owners. At this point, Council is asked to receive the request and refer it to the Planning Commission and Transportation Commission.

When asked for a better description of where the alley was located, Mr. Slaybaugh explained it was between Woodland Avenue and North Allen Street, perpendicular to Hillcrest Avenue. Mr. Slaybaugh further explained that a property on Hillcrest Avenue was proposing to build an addition to the side of his home and needed the additional setback.

Mr. Kern moved and Ms. Goreham seconded a motion to refer the request to the Planning Commission and Transportation Commission. The vote was 6-0-0 in favor of the motion.

Resolution to Extend the Cable Franchise Agreement Between the Borough and Adelphia. Mr. Fontaine explained a resolution has been prepared by staff to extend the franchise agreement with Adelphia Central Pennsylvania, LLC, for six months while negotiations to renew the agreement continue. If approved, the agreement will expire on December 31, 2005.

Ms. Goreham asked how the negotiations with Adelphia could continue when the company had been sold. Mr. Fontaine explained Time Warner bid on the franchise but the sale was still in bankruptcy court. In the interim, the Cable Consortium will continue to negotiate with Adelphia.

Mr. Daubert moved to approve Resolution 883 extending the Adelphia franchise. Ms. Goreham seconded the motion. The vote on the motion was 5-1-0 with Mr. Kern opposed. The motion passed.

Regional Parks. Mr. Daubert moved and Mr. Humphrey seconded a motion to table further discussion on regional parks. The motion was approved unanimously.

Vouchers. Mr. Meyer moved and Mr. Kern seconded a motion to approve vouchers for the month of May in the amount \$4,217,734.43, and as an agent for COG for \$1,609,610.56. The vote was 6-0-0 in favor of the motion.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mayor Welch indicated he would be attending the retirement for Robert Findley, who had been with Penn State University for 42 years. Mr. Findley's most visible contribution is in the leadership role he took with the University Park Airport. Mayor Welch publicly thanked Mr. Findley for his 42 years of effort.

President's Report. Mr. Daubert announced that Council members had viewed the downtown from the 10th floor of Penn Tower (255 East Beaver Avenue) and from the top of the Fraser Street Garage. Members interested in going to top of the Beaver Garage, which is currently under construction, should contact him for further information.

Liaison Reports. Mr. Kern said he hoped to have a report from the ad hoc Tax Study Committee for Council's July 5 meeting.

Staff/Committee Reports. Mr. Whitfield announced the Transportation Commission would hold an open house on Tuesday, June 14, at 7:00 p.m. to view the Highlands Traffic Mitigation Plan. The plan was available for review at the Public Works office as well as on the Borough's website at www.statecollegepa.us.

There being no further business, the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary