

**Meeting Minutes**  
**State College Borough Council**  
**Regular Meeting**  
**Monday, January 10, 2011**  
**7:30 p.m.**

The State College Borough Council met on Monday, January 10, 2011, in the State College Municipal Building, 243 South Allen Street, State College, Room 304, State College, PA. Mayor Goreham called the meeting to order at 7:30 p.m.

Present: Elizabeth A. 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: Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Borough Solicitor; Sharon K. Ergler, Assistant Borough Secretary; Carl R. Hess, Planning/Community Development Director; Roger A. Dunlap, Assistant Borough Manager; Mark W. Whitfield, Public Works Director; Anne Messner, Acting Zoning Officer; Ben Pugh, UPUA Representative, Thomas R. King, Chief of Police; Michael S. Groff, Finance Director; Katherine Doe, AmeriCorps Intern;

#### **STUDENT PRESENTATION**

Travis Salter, President of the Penn State Chapter of the National Association for the Advancement of Colored People (NAACP), outlined their organization's plans for the year.

**PUBLIC HOUR** – There were no comments from the public.

#### **PUBLIC HEARINGS**

Fraternity Temporary Use – Ms. Messner provided Council with a brief overview of the proposed ordinance.

Mr. Kevin Lloyd, 320 East Hamilton Avenue, expressed concern if a boarding house with non-affiliated people were permitted to move into a previously occupied fraternity. Presently fraternities are self policed and receive guidance from the Greek movement on campus. Without the self policing, these properties would be like every other rental in town.

Staff said this rooming/boarding house would be treated like any other rental property in State College and the same regulations would be followed. Staff added that it is anticipated that a landlord would monitor tenant behavior to work towards reopening the property as a fraternity.

Staff also explained that fraternities would be held to a higher standard and to quality for this provision in the ordinance, the fraternity cannot be in a suspension situation and have or are about to lose their rental permit. Also, if this temporary boarding/rooming house receives five (5) or more points within a year, the temporary use permit is revoked.

Mr. Lloyd said these properties would be held to a lower standard, in terms of conduct. This really could become a detriment to the community; however, he said he liked the non-student manager proposal.

Ms. Peg Hambrick, 305 East Hamilton Avenue, asked if a fraternity is presently closed can they take advantage of this new ordinance and how many fraternities do we anticipate this will happen to in any one year?

Staff indicated there are currently two fraternities, which have closed within the past 3 to 4 years.

Mr. John Youngmark, 323 East Hamilton Avenue, said a vacant property is never good because of the threat of fire, arson and vandalism. He asked who came forward with this ordinance, was it the Greek community?

Staff provided a brief history, which started with the fraternity at 240 North Burrowes Road, which Penn State subsequently acquired and tore down. The ordinance was derived from the issue of how a fraternity survives from a financial perspective when a house needs to recolonize. The idea was to provide some temporary relief to a fraternity so they could be preempted instead of the Borough closing the house. By closing the house, many corporations were finding it difficult to afford renovations and the time necessary to recruit new members, which is where the conversation began.

Mr. Youngmark noted the proposed ordinance does not affect those fraternities located on campus and the ordinance is only applicable in the R-O and ROA zoning districts.

Staff said two houses were closed due to rental housing permit suspensions and a third house closed voluntarily for recolonization. By an action take by Borough Council in 2010, rooming houses are now a permitted use on campus anytime there is no time restriction or recolonization requirement.

Staff said the purpose of this ordinance was to allow fraternities to recolonize and remove bad members. Two years is a sufficient amount of time to recruit new members and re-establish a fraternity. A fraternity could reoccupy a house within a two-year period. The ordinance provides a cash flow to fraternities that could not afford to close for financial reasons.

Mr. Edwin Sidwell, a member of Lion Fraternity Alumni Association, said the reason the organization was formed was because they are a group of concerned alumni who care about their fraternity houses and they do not want to see them closed or in disrepair. He mentioned one fraternity that hired a national recruiter who screens people and seeks new members. This provides a fraternity with a good foundation to start with when reopening a house. Mr. Sidwell said as an alumni of Sigma Nu, which is located at 340 North Burrowes Road, he appreciates the input and help the Borough and the Planning Commission have provided. He said staff has worked hard on drafting this ordinance and they have listened to our input and the Lion Fraternity Alumni Association is very happy with the final result.

Mr. Ben Pugh, the UPUA Student Representative to Council, said the amendment is beneficial, especially to new students coming in. He said he felt it was a good thing to move forward with this ordinance.

Mr. Dan Florencio, Inter-fraternity Council (IFC) President, said he was also in favor of the ordinance. He said the temporary use ordinance would help him do his job because IFC polices the fraternities.

The public hearing closed at 8:12 p.m.

Mr. Daubert made a motion to have the Temporary Use Ordinance be placed on Council's February 7 agenda for enactment. Ms. Lafer seconded the motion. The motion passed unanimously.

Mr. Daubert noted he would like to answer some of the questions raised about fraternities at tonight's hearing. He said the alumni corporations are not going to hand these fraternities over to just anyone to wreck their houses. He said these fraternities have Board of Directors who are sincere and work very hard to maintain these million dollar fraternities.

RO-O Zoning Ordinance Amendment establishing an Overlay in the RO Zoning District Along the South Side of Beaver Avenue

Staff provided Council with a brief overview of the proposed RO-O amendment, as well as a map which outlined the parcel in question.

Mr. Robert Ponder, Architect for HFL Corporation, explained that he has been trying to determine alternate uses for his client's parcel. While his client does not desire to have a taller building, there is a cost challenge. Mr. Ponder provided Council with renderings of what he is proposing, as well as his comments on the RO-O as written. He said if he were permitted to extend the building outward by 10', this would create a colonnade along East Beaver Avenue, much like what you see at the Allen Street Grill. The remaining part of the building is setback 15' from the 2<sup>nd</sup> floor and up. Mr. Ponder said other parts of the building that would need some relief include parking. His client would need to ask for five in-lieu parking spaces. He said if he provided some additional incentives, he could possibly reduce the open space requirement from 30% to 15%.

Mr. Paul Barsom, 417 West Nittany, said Mr. Ponder made a very persuasive presentation; however, he would encourage Council to say "No" to these kinds of requests. He added that the RO-O is a well thought-out ordinance and Mr. Ponder's request stretches the ordinance. Mr. Barsom said the cost to the community is what needs to be emphasized.

Ms. Peg Hambrick, 305 East Hamilton Avenue, said the building Mr. Ponder is proposing will add 100 more students to our community. She said she loves students but we provide enough housing in the Borough for students.

The public hearing closed at 8:30 p.m.

Ms. Lawrence made a motion reject the RO-O amendment. The motion failed due to the lack of a second. Next, Ms. Lawrence made a motion that the RO-O amendment be sent to a work session for additional discussion. Ms. Lafer seconded the motion.

Council members asked staff when they received Mr. Ponder's proposal. Staff said the proposal was received Sunday afternoon. Council members said they were interested in hearing what the Planning staff's comments were about Mr. Ponder's latest proposal. A few Council members said receiving the proposal a day prior to a meeting is not adequate time for review and comment.

Council members expressed concern about an arcade in this area. While arcades are great in some locations, Beaver Avenue is not one of them. An arcade here would create a tunnel, which is not good for visibility by Police when patrolling in a car or on foot. It would be difficult to see into the tunneled space.

The motion passed unanimously to have the RO-O amendment discussed at a future work session.

## **ABC REPORTS**

Report from the Historic Resources Commission (HRC) - Mr. Rick Bryant, Chairman, presented the HRC's proposed 2011 Work Plan and briefly reviewed the Commission's activities.

Mr. Daubert suggested adding the downtown properties to the list of contributing properties in the National Historic District. He said there are many properties downtown that meet the qualifications.

Mr. Bryant said this is something the HRC could look into and it would certainly enhance the appreciation of our assets downtown. He said he was sure that several members of the Commission would be glad to help.

**CONSENT ITEMS** – On a motion by Ms. Lawrence and a second by Mr. Rosenberger, Council voted unanimously to approve the following consent items:

- Appointed the following individuals to various Authorities, Boards and Commissions:

|              |   |                   |
|--------------|---|-------------------|
| Amy Story    | Spring Creek Watershed Commission             | December 31, 2011 |
| Peter Morris | Spring Creek Watershed Commission (alternate) | December 31, 2011 |

- Approved minutes for the following meetings held in December:

|                   |                              |                |
|-------------------|------------------------------|----------------|
| December 6, 2010  | Regular Meeting/Work Session | <i>Page 25</i> |
| December 10, 2010 | Work Session                 | <i>Page 31</i> |
| December 13, 2010 | Work Session                 | <i>Page 35</i> |
| December 20, 2010 | Regular Meeting              | <i>Page 37</i> |

- Approved 2011 Work Plans for the Design Review Board and the Transportation Commission.
- Approved vouchers for the month of December in the amount of \$1,698,544.06.

**GENERAL POLICY AND ADMINISTRATION**

Martin Luther King, Jr. Resolution

Mr. Morris made a motion to approve the Martin Luther King resolution. Mr. Rosenberger seconded the motion and suggested amending the resolution to include “Jr.” after his name, which Mr. Morris agreed with.

Ms. Joanne Tosti-Vasey, President of Pennsylvania NOW, Inc. said this is a good resolution and by approving this resolution State College is making a statement that nonviolence is very important.

The motion passed unanimously.

**PLANNING AND ZONING**

Planning Commission Recommendations on the Proposed West End Zoning Ordinance Amendment

Mr. Hahn made a motion to receive the Planning Commission’ report and schedule this for discussion at a work session on January 21. Ms. Lafer seconded the motion.

Mr. Daubert said he is unable to attend Council’s January 21 meeting. He said the current Council has discussed mixed uses on corner lots. He said this is something we should get rid of. He suggested sending it back to the Planning Commission.

Staff said if Council makes that change, the ordinance would need to go back to the Planning Commission for their comments.

Council members expressed confusion with the Planning Commission’s second recommendation, which was to eliminate the 3 integrated surface parking diagrams at the end of Section 1931 and to strike the written reference to them. Staff explained that cars could not circulate to or through the different parking next door because of the 5’ planting strip on each parcel, along with a curb cut. The diagrams provided were erroneous and they did not show the provisions correctly.

Mr. Paul Barsom, 417 West Nittany Avenue, said he is opposed to what is being proposed. A developer can purchase several lots and develop lot by lot. He asked has anybody estimated a range of population

that the Holmes-Foster Neighborhood could/would incur with this plan, based on the current zoning plan. He also questioned the number of automobiles that would be added to the neighborhood.

Staff did not have an immediate answer to either of Mr. Barsom's questions; however, that number would be available at Council's meeting on January 21. Staff noted the estimates previously provided are no longer valid, but this information can also be provided.

Staff said the number of units and residents in the neighborhood, with this proposed amendment, has been revised from what was previously discussed. Originally there were to be 8 story buildings with approximately 800 new units. The current proposal would include 435 additional dwelling units.

Mr. Barsom said if this kind of development infills the Holmes-Foster neighborhood, residents are going to leave because it was decimate the neighborhood. He said he has been attending these meetings for a very long time and has not heard any member of the community who is in favor of this proposal. He urged Council to table the amendment.

Ms. Karen Burgos, 410 South Gill Street, said more incentives for commercial spaces and/or offices would be a welcome addition to this zoning proposal. She said she envisions problems with residents living in high-density buildings.

Mr. William Hutton, 435 West Nittany Avenue, asked if Council would be holding a public hearing on the West End zoning because he was not prepared to speak this evening. Staff explained that a public hearing would be required and most likely would occur sometime in March.

Mr. Hutton said Council needs to pay more attention to the incentives for commercial development at the street level, work force housing, and bringing people back into this area. As a resident for 25 years, Mr. Hutton said he has seen a distinct change in the level and amount of problems after the infill development happened, particularly along a stretch of Barnard Street, where the density and monoculture is people your own age.

Ms. Kim Faulds, 805 West Foster Avenue, said she has been hearing from her neighbors that they would like to see coffee shops, upscale rentals, and a more artistic Holmes-Foster neighborhood. She said there are a lot of working families and with additional student homes being proposed, more neighborhood blocks and families would be lost. She begged Council to not just pass something because it is good enough and she urged Council to keep working towards a balance between developers, taxpayers, and students and to be reflective of all of those interests.

The motion to send this to the January 21 work session passed unanimously.

#### Receive Revised Draft Ordinance Amendments to Create a Borough Wide Inclusionary Housing Ordinance

Staff reviewed the changes made as a result of input from Council and from the National Organization for Women.

Mr. Filippelli made a motion to receive the revised ordinance and to refer it to the Planning Commission for review and comment. Mr. Hahn seconded the motion.

Mr. Daubert said in looking over the modifications requested by Council, he said he only agreed with three on the list. He said he felt Council needed to discuss this further at an upcoming work session before sending it back to the Planning Commission.

Staff said if the changes Council requested went beyond what Council wanted, it needs to be reviewed again before asking for input from the Planning Commission. Staff said perhaps there needs to be more input between the two groups.

Other Council members agreed that they were not comfortable with all of the modifications. Some may need to be adjusted or thrown out. Many said they preferred to go to a work session to discuss these further. Others suggested sending it to the Planning Commission and referring it to a future Council work session for additional discussion.

Mr. Filippelli said he accepts the suggestion and he amended his motion to refer it to the Planning Commission and to refer it to a future Council work session for additional discussion. Mr. Hahn seconded the motion. The motion passed unanimously in favor.

Ms. Joanne Tosti-Vasey said she provided staff with a letter of additional concerns both she and Jean Collins, the Director of the Women's Resource, made.

#### Zoning Ordinance Amendment Revising Shared Parking Provisions

On a motion by Mr. Rosenberger, and a second by Mr. Filippelli, Council voted to hold a public hearing on the zoning ordinance amendment that revises the Shared Parking Provisions on February 7. The motion passed unanimously.

### **OFFICIAL REPORTS AND CORRESPONDENCE**

Mayor's Report - Mayor Goreham commented on the success of First Night and she wished everyone a Happy New Year.

Regional Liaison Reports - Mr. Filippelli said all Regional Liaisons will remain the same in 2011.

Ms. Lafer said the Transportation and Land Use Committee met to reorganize and to review and discuss the economic development report and the holes that exist in the draft. The Committee will continue to define a more complete report.

Mr. Hahn said the COG Finance Committee will be meeting tomorrow and they will be discussing CATA's 2011-2012 Budget, the Fire Station, the Fixed Asset Policy, and the Executive Director will provide information on the Regional Parks Report.

Mr. Morris said the Public Services and Environmental Committee met on January 5 and reviewed a report on carbon emissions.

UPUA Student Representative Report – Ben Pugh wished everyone a Happy New Year and he said the UPUA meets on Wednesday nights and everyone is welcome to attend their meetings.

There being no other business, the meeting adjourned at 10:03 p.m.

Respectfully submitted,

---

Sharon K. Ergler  
Assistant Borough Secretary