

Meeting Minutes
State College Borough Council
Regular Meeting
February 7, 2011

The State College Borough Council met on Monday, February 7, 2011, 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 A. Goreham, Mayor
Ronald L. Filippelli, President of Council
Thomas E. Daubert
Donald M. Hahn
Theresa D. Lafer
Silvi Lawrence
Peter Morris
James L. Rosenberger

Also present: Thomas J. Fountaine, II, Borough Manager; Amy R. Miller, Recording Secretary; Thomas King, Police Chief; Roger Dunlap, Assistant Borough Manager; Amy Story, Borough Engineer; Mark Whitfield, Public Works Director; Alan Sam, Borough Arborist; Anne Messner, Zoning Officer; Ben Pugh, UPUA Representative; members of the media; and other interested observers.

Public Hour. There were no comments from the public.

Reports

Builders Association of Central PA – Dylan Wadlington, Board President, Builders Association of Central PA requested additions to the Centre Region Building Permit Application Form.

The Association is asking that home improvement contractors complete a registration requiring contractors to be insured and help prevent fraud. They also recommend contractors be certified and complete an 8 hour training course. If violations occur, the contractor would be subject to a 3rd degree felony charge. The Association's goal is to protect the consumer.

Greensylvania School Recognition - Amy Schirf, Education Coordinator from the Centre County Solid Waste Authority, provided Council with information on the school program.

Public Hearing

Zoning Ordinance Amendment Revising Shared Parking Provisions. Staff explained the Planning Commission is recommending a revision to the shared parking provisions of the State College Zoning Code and presented a short overview of the revisions. This Zoning Ordinance amendment proposes to revise the existing shared parking provisions in three ways:

1. The applicability section is rewritten to make clearer who is eligible to use shared parking.
2. Wording on the location provision and other standards is tied together better.
3. The prohibition against having a driveway serving a shared lot located on a local street is eliminated.

Council held a public hearing on the proposed ordinance for the purpose of receiving public comment only. However, there were no comments from the public.

Mr. Hahn made a motion to defer a discussion to a work session. Ms. Lafer seconded the motion which passed unanimously.

ABC Report

Report from the Transportation Commission. Kate Delano, Chair of the Transportation Commission, presented Council with an update on the Commission's recent activities.

Council commended the Commission on their work. Mr. Daubert requested a copy of Ms. Delano's report for Council; Ms. Delano said a copy would be provided.

Consent Items

On a motion by Mr. Filippelli and a second by Ms. Lafer, Council voted unanimously to approve the following consent items with one correction, removing item "E" due to a clerical error.

- A. Approve the Historic Resources Commission 2011 Work Program.
- B. Reappoint Susan Bardo to the Historic Resources Commission with a term ending on December 31, 2014.
- C. Accept the resignation of Jordyn Drayton, with regret, from the Transportation Commission, effective immediately.
- D. Accept the resignation of James Keiser, with regret, from the Authorities Board, effective January 24, 2011.
- E. Approve a resolution for the destruction of records in the Administration and Tax Offices—withdrawn due to a clerical error.*
- F. Approve the Compost rates for 2011.
- G. Approve the 2011-2012 Legislative Issues as reviewed by Council.
- H. Approve vouchers for the month of January in the amount of \$3,428,302.36.

General Policy and Administration

Communications Systems Wireless Rights-of-Way Ordinance. Staff explained the purpose of the ordinance is to ensure the Borough's control and consistency with the provisions of Pennsylvania's law regarding rights-of-way. Staff added that the ordinance was modeled after a similar ordinance in Pittsburgh. The ordinance also requires payment of fees for rental of rights-of-way.

Mr. Filippelli made a motion that Council enact the attached ordinance to establish regulations governing the occupancy of rights-of-way in the Borough; Mr. Hahn seconded the motion.

Mr. Morris requested the right of way be restored to its previous condition whenever the companies complete their work. Staff expected the ordinance to warrant change with emerging technologies.

Mr. Peter Broy, Director of Government Relations, NextG Networks from Queens, NY said he was pleased the Borough is moving forward with the ordinance. However, he believes that \$1,200 per year is excessive to charge for one, two or three DAS Node Facilities.

Mr. Filippelli agreed the fee is excessive. Staff explained the fees established were taken from the Pittsburgh ordinance. Mr. Hahn suggested Council act now and fees could be amended at a later time if needed.

The motion passed unanimously.

Planning and Zoning

Rezoning Request for 507 Easterly Parkway. Staff explained that Ms. Kamilla Way, the property owner of 507 Easterly Parkway, submitted a request in October of 2010 to rezone her property from R2 to R3. Ms. Way stated the rezoning would allow the redevelopment of this lot with six townhouses, similar to the townhouses on the adjacent property. The Planning Commission recommended Council amend the zoning code to rezone 507 Easterly Parkway from R2 to R3 as requested.

Mr. Rosenberger made a motion to receive the Planning Commission's report and schedule a public hearing for March 7; Ms. Lafer seconded the motion, which passed unanimously.

Council requested that abutting property owners and renters be notified of the zoning changes.

Fraternity Temporary Use. Staff explained that the zoning ordinance proposes to establish a temporary use provision that would allow existing fraternities located in the R2 & ROA zones to be used as a rooming house for up to two years when the fraternity has been closed and vacated through self imposed disciplinary action.

Staff added that the notice of Council's intent to enact the amendment was published and also included a notice of public hearing.

Mayor Goreham opened the public hearing; however, there were no comments from the public.

After a motion by Mr. Daubert, a second by Mr. Filippelli and a roll call vote, the motion to enact the Fraternity Temporary Use Ordinance passed unanimously.

Ms. Lafer pointed out that the ordinance is not intended as a self imposed disciplinary action for problem fraternities.

Mr. Hahn requested staff check the spelling of colonization in the ordinance.

Public Works

Planned Intersection Safety Study. Mr. Aaron C. Fayish, P.E., PTOE (Professional Traffic Operations Engineer), a transportation engineer with Stahl Sheaffer Engineering of State College, presented a summary of the Planned Intersection Safety Study.

Council comments included the need for a signal at the intersection of Pugh Street and Easterly Parkway, lower speed limits on Atherton Street and most importantly, pedestrian safety needs addressed.

On a motion by Mr. Morris and a second by Mr. Rosenberger, the motion to receive the report and approve the recommendations for the Borough's Capital Improvement Plan passed with a 5-2 vote. Council members Daubert and Lawrence opposed the motion.

100 Block South Atherton Street Pedestrian Safety Project. Staff reported that in accordance with a recommendation from the Pedestrian/Bicycle Safety Study completed in 2009, the Transportation Commission has developed a concept plan for channelizing pedestrians on the 100 block of South Atherton Street using fencing along Atherton for pedestrian safety .

On a motion by Mr. Filippelli and a second by Ms. Lafer, the motion to approve the project and authorize staff to proceed with implementation passed after a 5-2 vote. Council members Hahn and Lawrence opposed the motion.

Council discussed the aesthetics of the fencing compared to current fencing already in place downtown. Staff reminded Council that they would choose the fencing.

Bicycle Ambassador Program Report. Courtney Hayden, an AmeriCorps employee working for the Borough assisting the Sustainability Coordinator, has developed a Bicycle Ambassador Program, as recommended in the 2009 Pedestrian/Bicycle Safety Study. She outlined the proposed program for Council. There was no action required by Council.

Regional Issues

Code Study. At the December COG General Forum meeting, the General Forum asked for the municipalities to review and comment on the Operations Review of Code Administration prepared by Management Partners. Municipal comments are due back to the Executive Director of COG by February 7, 2011. Council received and discussed staff's memo at the January 21 work session.

Mr. Filippelli made a motion, Mr. Rosenberger seconded a motion and Council voted unanimously to approve and forward comments to the COG Executive Director.

Official Reports and Correspondence

Mayor's Report. The Mayor reported on meeting President Obama and commended Police and Public Works Departments for their efforts during the Presidential visit.

Mayor Goreham also announced her spring semester office hours on campus at the OCSU. She will hold hours on Monday from 3:30-4:30 p.m. and Thursdays from 2:30-4:00 p.m.

President's Report. Mr. Filippelli announced the 2011 COG Committee appointments.

- Executive – Ronald Filippelli
- Finance – Donald Hahn
- Human Resources – Thomas Daubert
- Parks Capital – James Rosenberger
- Public Safety- Silvi Lawrence
- Public Services and Environmental – Peter Morris
- Transportation – Theresa Lafer

Mr. Filippelli added that Council met in an executive session on February 2 to discuss personnel and litigation matters.

Regional Liaison Reports. Ms. Lafer said the Transportation and Land Use Committee met and discussed the land use plan. Mr. Hahn reported that the Finance Committee would meet next Monday.

Student Representative report. Mr. Pugh said the students paid tribute to Bill Schreyer who recently passed away.

There being no further business, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary

Prepared by Amy R. Miller