

Meeting Agenda
State College Borough Council
Regular Meeting
Monday, March 7, 2011
7:30 p.m.

The State College Borough Council met on Monday, March 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 F. Filippelli, President of Council
Donald M. Hahn
Thomas E. Daubert
Theresa D. Lafer
Silvi Lawrence
Peter Morris

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Sharon K. Ergler, Assistant Borough Secretary; Anne Messner, Acting Zoning Officer; Carl R. Hess, Planning Director; Edward Holmes, Facilities Manager; Alan Sam; Borough Arborist/Environmental Coordinator; Michael S. Groff; Finance Director; interested members of the media and concerned residents.

Public Hour - Hearing of Citizens

No one from the public wished to address items not on the agenda.

Public Hearing

Rezoning Request for 507 Easterly Parkway - Mayor Goreham opened the public hearing at 7:34 p.m.

David Hunter, 504 East McCormick Avenue, said he was puzzled by the owner's request to rezone this property. He said it would be justifiable to rezone the property R-2, since this parcel is adjacent to other properties zoned the same way.

Cricket Hunter, 504 East McCormick Avenue said she did not understand the argument for rezoning this property to R-3. She said this is a terrific place to live because it is near the CATA bus stop, adjacent to an elementary school, and there are parks nearby.

Alan Knight, 512 East McCormick Avenue, said he lives directly behind the property in question. He asked if the property is rezoned and an apartment complex is built, would there be any playing space for the children. He said he was speaking out of concern for the children. He said the sense is that the children like most of the equipment there, such as the swings, sandbox, and the walking path. He said if the weather is good there are children playing in this playground every day.

Ralph Way, 128 Waypoint Circle, said this parcel was purchased shortly after he and his wife built the NuWay Apartments. He said the playground was put in as an added benefit to their

tenants. Mr. Way said children were allowed to go outside and play by themselves, but not anymore. He said kids these days play games on computers and televisions, and spend time on their cell phones. The playground is no longer justified. Mr. Way said the playground used to have climbers and sliding boards but those had to be removed because of liability problems.

Michael Thompson, 1091 Saxton Drive and son-in-law of Mr. Way, said regardless of Council's vote, the playground equipment will be removed. He said townhouse dwellers are not bad neighbors.

Mr. Way said the people that live in his apartments live there for a long time. Many of their residents have been there over 20 to 30 years. He said there is a tremendous need for this type of unit and rarely has a vacancy.

Ms. Goreham closed the public hearing at 7:45 p.m.

Ms. Lafer made a motion to have the rezoning request placed on Council's March 21 agenda for a vote. Mr. Morris seconded the motion.

Mr. Hahn offered an amendment to move this rezoning request to Council's March 18 work session for further discussion. Ms. Lawrence seconded the amendment.

The amendment passed 4-2 with Ms. Lafer and Mr. Filippelli voting against it.

The main motion to have this on Council's March 21 meeting for a vote passed 6-0.

Consent Items

Mr. Daubert asked that "Item D" be pulled from the Consent items for further discussion.

Mr. Hahn made a motion to approve the consent items listed below. Ms. Lafer seconded the motion, which passed 6-0.

- Approve vouchers for the month of February in the amount of \$1,976,997.09.
- Approve a request to close "K" Alley, between West Foster Avenue and the entrance to the parking lot at the rear of 229 South Sparks Street, on Saturday, May 7, 2011, from 8 a.m. to 4 p.m. for a public auction.
- Use of various sidewalks in the Borough for a Take Back the Night Rally scheduled for Wednesday, April 13, 2011, from 6:00 p.m. to 9:00 p.m.
- Approve a resolution in support of the Penn State University IST's testing of a community wireless network in downtown State College, and the grant applications to fund the project.
- Accept the resignation of L.J. Bright, with regret, from the Tree Commission, effective immediately.
- Reject the bids for Project #15-2010, Humidity Improvements to the Municipal Building, due to the bids coming in 150% over the budgeted amount.

- Approve a Resolution to appoint a representative and two alternates to the Centre County Tax Collection Committee.

Mr. Daubert asked what this project involved, and why the Downtown State College Improvement District cannot use the existing Wi-Fi nodes and connect using an existing connection.

Mr. Filippelli made a motion to approve the DSCID's request. Mr. Hahn seconded the motion.

Staff explained the DSCID simply wants Council to endorse a grant application the University IST Department is working on to put a Wi-Fi web portal in the downtown area. This will assist visitors in the community, as well as promoting activities downtown.

Council members raised several questions about the project, such as the amount of the grant, who the providers of the connections will be, is there new hardware involved, and is the service free.

Staff said the Borough's understanding of the business model is that there is no new infrastructure involved and will be used for advertising with geographic specific ads.

Mr. Daubert expressed his concern about people having to put up with advertising, etc. they are not interested in. Staff said the intent is not to be a commercial venture but is intended to serve the members of downtown State College.

Mr. Filippelli said he thought this was a terrific idea, and it will not alter the way people use the downtown services as they now exist. This will create; however, a boom to non-profits, the State Theatre, and various other kinds of venues. It will provide timely information on what is happening today. People who are visiting can get up-to-date information.

Other members expressed concern that Borough residents may find this service annoying because of the additional advertising.

The motion to endorse DSCID's grant passed unanimously.

Planning and Zoning

Zoning Ordinance Amendment that revises Shared Parking Provisions. Staff briefly reviewed the amendment and ordinance.

Ms. Lafer made a motion to enact the Ordinance as presented. Mr. Filippelli seconded the motion.

Mr. Morris offered an amendment to remove Item #3 paragraph #2, which is to retain the prohibition of a driveway serving a shared lot located on a local street.

Other Council members said Mr. Morris' amendment negates Ms. Lafer's motion and added the amendment was out of order.

Staff said shared parking allows the utilization of existing parking and thereby does not expand the impervious surface of additional spaces and/or parking lots. One of the main reasons for doing this is to save the environment.

A Council member asked why one property owner cannot simply rent the neighboring property's lot for their overflow. Staff replied that in the R-2 zoning district you cannot rent parking spaces. It must be an accessory to the site.

Mr. Dick Gold, 134 East Doris Avenue, said he wanted to emphasize that not having access on a local street is important. He said Fry Drive has a 90 degree dog leg and is part of a neighborhood of 10 homes, which is not considered work force housing. With Foxdale's recent expansion they have added an additional 93 parking spaces, which Mr. Gold said he would presume will be used or they would not have added them. Mr. Gold said with increased cars on these small streets there will undoubtedly be more accidents. He said anyone leaving the shared parking lot will not travel straight out onto to Atherton Street. He said they will travel through the neighborhood looking for a safe way to get out of the neighborhood.

Mr. Joseph Thomas, 898 Grace Street and the current Manager of the Ramada Inn, said the reason for the shared parking agreement is approximately 5 – 8 times a year he does not have enough spaces on-site to accommodate all of their guests, as well as employees. He said they are proposing to increase the size of P.J. Harrigan's restaurant in the near future with the need to tear down 44 hotel rooms and put up 66 units. Mr. Thomas said adjacent to the Ramada there are several public on-street parking spaces available for his tenants to park; however, on Friday and Saturday nights when the hotel is full there is not enough parking, even with the on-street parking to accommodate all of his employees and guests.

Council members asked if the concept of shared parking has been explored in other zoning districts. Staff said they did not know the answer to that question.

Mark Toretti of Penn Terra Engineering explained with the expansion at Foxdale and the expansion at the Ramada, on-street parking will be at a premium. As for the traffic issue raised by a resident, Mr. Toretti said the traffic issue will be miniscule. He added that the parking agreement between the Ramada and the church would work for both parties. On Sundays when church is in session, the church often times needs additional parking and they would be permitted to park at the Ramada, which is what they have been doing.

Mr. Thomas said informally Foxdale, the church, and the Ramada are already sharing parking. By changing the ordinance, written agreements will be put into place making it official. He added that he wants to be a good neighbor, not just to the business nearby but also to the residents who live in this neighborhood.

At least one Council member thought this should have been handled as a conditional use rather than changing the ordinance. Staff said if the applicant met all of the conditions set in the ordinance for a conditional use, Council would have to approve it. Conditional use permit is an administrative role; however, it does not provide unlimited leeway.

Staff said the shared parking amendment started before the previous Zoning Officer's retirement and this was the best solution to accommodate this proposal. Staff looked at the potential impacts on the community.

Council voted on the ordinance amendment and it passed 4-2. Mr. Daubert made a motion to return this ordinance to the Planning Commission. He suggested they consider changing the ordinance to require a conditional use where Council would have a better opportunity to review

and have some approval on future applications. Mr. Hahn seconded this motion and it passed unanimously.

Official Reports and Correspondence

Mayor's Report – Mayor Goreham reported on the recent State Patty's Day and applauded the efforts of AmeriCorps volunteers Courtney Hayden and Kate Doe for all of their hard work. She said she appreciated all of the people who helped out by walking around downtown and making their presence known to the students who were exhibiting bad behavior downtown.

Regional Liaison Reports – Ms. Lafer reported that the Transportation and Land Use Committee will be looking at long-range planning. She noted the Committee would like all input back before the end of the month.

Staff and Committee Reports – The Manager expressed his appreciation to the efforts of the following people: Courtney Hayden and Kate Doe, AmeriCorps Volunteers; Chief of Police Tom King; Theresa McElwain, Special Services Director; as well as the Presbyterian and Methodist Churches, and the public who participated in our State Patty's Day efforts. He said staff is working to compile all of the data from the weekend and a report will be presented to Council at a later date.

Semi-Annual Sustainability Report – Alan Sam, Environmental Coordinator, provided an update and reviewed each of the goals and whether we have met and/or exceeded them. Mr. Sam said all of staff is working to conserve. He said it is like we have our own "Green Team".

There being no other business, the meeting adjourned at 9:13 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary