

Meeting Minutes
State College Borough Council
Regular Meeting
Monday, August 15, 2011
7:30 p.m.

The State College Borough Council met on Monday, August 15, 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
Peter Morris
James Rosenberger

Absent: Silvi Lawrence

Also present: Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Borough Solicitor; Carl Hess, Planning Director; Sharon K. Ergler, Assistant Borough Secretary; Roger A. Dunlap, Assistant Borough Manager; Mark A. Whitfield, Director of Public Works; Thomas R. King, Chief of Police; Norma J. Crater, Accounting Supervisor; Charles J. DeBow, Parking Manager; Lu B. Hoover, Senior Planner; Beth A. Johnston, Human Resources Director; Michael S. Groff, Finance Director; Brendan McNally, UPUA Student Representative; and interested members of the media and concerned residents.

Public Hour - Hearing of Citizens. There were no comments from the public.

Public Hearing

Inclusionary Housing. Mayor Goreham opened the public hearing at 7:31 p.m.

Ms. Joanne Tosti-Vasey, President of the PA National Organization of Women, thanked Council for their hard work on the Inclusionary Housing Ordinance; for allowing housing for low and moderate income families; and for reducing the number of forms of identification, particularly for domestic violence survivors when they are leaving homes of violence.

Mayor Goreham closed the public hearing at 7:32 p.m.

Consent Items

Mr. Rosenberger made a motion to approve the following consent items. Ms. Lafer seconded the motion, which passed unanimously.

- Approve vouchers for the month of July in the amount of \$3,422,372.46.
- Approve the closing of the 500 block of Westview Avenue on Friday, September 9, 2011, from 5 p.m. to 11 p.m. for a Neighborhood Block Party.
- Approve the closing of Calder Way, from Heister Street to Pear Alley, on Saturday, August 27, 2011, from 8 a.m. to 8 p.m. for a Qwik Rock Block Party.
- Designate Monday, October 31, 2011, between the hours of 6 p.m. and 8 p.m. as Trick-or-Treat Night in the Borough.

General Policy and Administration

2009 and 2011 Consolidated Plan Amendments. Mr. Filippelli made a motion to approve the 2009 and 2011 Consolidated Plan amendments. Mr. Rosenberger seconded the motion.

Mr. Morris said although there is no choice but to pass this because of the cuts approved by Congress for the 2011 federal budget, he said he personally felt extremely sad to have to do it especially when it affects ordinance people.

The motion passed unanimously.

Enterprise Resource Planning (ERP) Project. Mr. Filippelli made a motion that Council approve the contract and purchase order and authorize Borough staff to execute software agreements with Tyler Technologies, subject to approval of the legal documents by the Borough Solicitor, in an amount not to exceed \$697,278.00. Ms. Lafer seconded the motion.

Council members raised the following questions if Phase 1 of the ERP was under delivered: Would the Borough still have to proceed with later phases? Are there penalties in place that Tyler Technologies would be responsible for if they were late in providing the software?

Staff said the ERP Contract is being awarded for the entire package. Staff and the Solicitor are still working on aspects of the contract which address liquidated damages, etc. Historically, the Borough has had contracts that result in payment withholding, and similar arrangements will be included in this contract, which the Solicitor must approve.

A Council member asked whether the other municipalities have endorsed this ERP project or will meet their needs. Staff replied at present COG is the only agency acquiring financial services from the Borough. This software package will give COG additional flexibility and functionality not currently available and will eliminate duplicate entries by the COG Finance Director and by Borough employees.

The motion to approve the ERP Project with Tyler Technologies passed 5-1 with Mr. Daubert voting against the motion.

Planning and Zoning

Inclusionary Housing Ordinance. Ms. Lafer made a motion to enact the Inclusionary Housing Ordinance and Mr. Hahn seconded the motion.

Several Council members provided their views on the Inclusionary Housing, both for and against the ordinance. Some of the reasons cited included why should Council pass it when the Planning Commission recommended against it. Others cited that land in the Borough is expensive and in order to build new projects, developers would need to purchase and tear down existing properties and build a new building under very difficult ordinance restrictions along with obligations for parking. Additionally developers would need to include a percentage of those units designated for inclusionary housing. This ordinance would also add more pressure for students to buy existing housing, which puts more pressure on our neighborhoods.

Other members of Council expressed there is a need for Inclusionary Housing not just in the Borough but region wide. People would have a choice of where they wanted to build. Several members of Council agreed that the Community Land Trust is doing a great job to meet this demand. Some said this ordinance would provide an opportunity for mid-level housing to men and women who work in this community, similar to the Kemmerer Road project. Council added although developers expressed their displeasure with the proposed Inclusionary Housing Ordinance to the Planning Commission, it is the larger community that needs to be served. Council's purpose is to help the community.

Mr. Hahn thanked the Planning Staff for their excellent work with the Community Land Trust (CLT). He said Council understands how important it is to encourage more diversity in our neighborhoods with respect to income. He said it was important to adopt this ordinance; revisions can be made in the future. He noted he has some concerns with the ordinance, specifically the mandate of the percentage.

The motion passed 4-2 with Messrs. Rosenberger and Filippelli voting against the motion.

Sponsor a Renewal Application for the Local Shelter Support Initiative. Mr. Rosenberger made a motion that Council approve the sponsorship and submission of a renewal application for a Local Shelter Support Initiative on behalf of the Centre County Affordable Housing Coalition. Mr. Morris seconded the motion, which passed unanimously.

Rezoning Request for 254 East Beaver Avenue. Ms. Lafer made a motion to table the request to rezone the property at 254 East Beaver Avenue. The motion failed due to the lack of a second.

Mr. Hahn made a motion to refer the rezoning request to a future work session for additional discussion. Mr. Morris seconded the motion.

A few Council members disagreed. They felt it was time to hear the public's input on the proposal. The developer has already expressed that by changing the zoning at this location with the proposed RO-O regulations, the developer cannot build the high rise student apartment building he wanted. Does Council want that property to sit there vacant forever? If the zoning is changed, the developer could only build a lower rise building than what is there now.

Mr. Rosenberger said if Mr. Hahn's motion were voted down, Council could consider a motion to hold the public hearing but not publish its intent to enact. The intent to enact could be published for a separate meeting. Mr. Hahn agreed.

Council voted on Mr. Hahn's motion and the motion failed 6-0.

Mr. Rosenberger made a motion for staff to publish the notice of a public hearing on the proposed zoning ordinance amendment but not to publish the intent to enact but to discuss this further at a work session following the public hearing. Mr. Hahn seconded the motion which passed unanimously.

Regional Issues

Designation of Centre LifeLink as the EMS Provider. Mr. Hahn made a motion to adopt a resolution designating Centre LifeLink as the Borough's EMS Provider. Mr. Filippelli seconded the motion.

Some Council members expressed concerns that if Centre LifeLink is not available and someone needs an ambulance does this mean an ambulance from Penn State or from another municipality could not assist. This leaves the choice up to Centre LifeLink and by allowing them to decide, we are doing our citizens a disservice for the betterment of our citizens.

Staff said in reviewing the proposed resolution, there is mutual aid language in the resolution.

The motion passed 5-1, and Mr. Daubert voted against the motion.

Mr. Hahn made a motion that the comments expressed by the COG Executive Director in the agenda language suggested the prohibition of other emergency providers and this information should be expressed to the COG Executive Director with the support of Council. Mr. Daubert seconded the motion, which passed unanimously.

Official Reports and Correspondence

Mayor's Report. Ms. Goreham reported that on Saturday, August 13, she cut the ribbon to open SteamPunk Inc., a new tattoo studio in downtown State College.

Regional Liaison Committee Reports. Executive Committee – Mr. Filippelli said the Executive Committee meets tomorrow to set the agenda for the upcoming General Forum meeting.

Finance Committee – Mr. Hahn reported that the Finance Committee will meet this Thursday at 8:30 a.m. and everyone was welcome to attend.

Human Resources Committee – Mr. Daubert reported that the Human Resources Committee met on August 2 and approved the job description for the Fire Administrator position, and they also discussed medical insurance waivers for the COG employees who opt out of insurance. The Committee also discussed changes in the COG's Pension Plan.

Public Services & Environmental Committee – Mr. Morris reported that their August meeting was cancelled.

Transportation & Land Use Committee – Ms. Lafer reported that the Transportation and Land Use Committee will be meeting next week.

Parks Capital Committee – Mr. Rosenberger said the Parks Capital Committee met last Thursday with the Parks and Recreation Authority and heard a proposal from Pashek Associates to provide project management for the regional parks. Pashek Associates worked on the Master site plan and they know the community well. He said the Committee was happy with the proposal and unanimously endorsed it. Council encouraged COG to come up with a contract that gets that moving as soon as possible.

Student Representative Report – Mr. McNally said from a student standpoint, he was happy to see the Inclusionary Housing Ordinance pass because this ordinance fosters a community everyone would like to see. He said it also fosters ingenuity for developers, which are beneficial. He reminded everyone that Penn State's fall semester begins next week.

There being no additional business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary