

Meeting Minutes
State College Borough Council
Regular Meeting
Monday, October 3, 2011
7:30 p.m.

The State College Borough Council met on Monday, October 3, 2011, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. The meeting was called 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
Donald M. Hahn
Silvi Lawrence

Also present: Thomas J. Fountaine, Borough Manager; Terry J. Williams, Borough Solicitor; Carl R. Hess, Planning Director; Sharon K. Ergler, Assistant Borough Secretary; Roger A. Dunlap, Assistant Borough Manager; Thomas R. King, Chief of Police; Charles J. DeBow, Parking Manager; Mark A. Whitfield, Public Works Director; Edward C. Holmes, Public Services Manager; Beth A. Johnston, Human Resources Director; Michael S. Groff, Finance Director; Brendan McNally, UPUA Student Representative; Kate Doe, Neighborhood Services Coordinator; Courtney Hayden, Grants and Communication Coordinator; Kelsey Fleming, AmeriCorps member; journalism students, interested members of the media and concerned residents.

There was a moment of silence and the Pledge of Allegiance.

Proclamation – Mayor Goreham read aloud a proclamation to Stuart Dance of the Centre County Chapter of the Aging in Place. This group will be having a big opening on October 11, 2011 at Schlow Library. The group's goal is to take care of elderly people in their homes. It was noted that 89% of the 65-year and older seniors would prefer to stay in their homes. This group would help provide all services needed to these citizens with one phone call.

Public Hour – Alan Markelstein of 406 South Pugh Street was present on behalf of the residents of his house because of some problems with the zoning law. Alpha Chi Sigma, is a professional chemistry fraternity. The average GPA at the house is 3.43 and many of the members have received scholarships. They are very active in community service activities but the fraternity lost its charter because of problems with the National charter. Houses within this zoning district cannot have more than five residents living in it. They were told by the Borough that there are 17 leases in the house. Fifteen of these leases are running through next spring. By next spring, all but five people will have to leave to be in compliance with the zoning law. He discussed the Inconvenience these people will face in trying to find new housing. He stated the landlords are going to bring this matter before the Zoning Hearing Board. He stated the reason he's here tonight is so Council can see who is being affected by this situation. Members are severely inconvenienced by this regulation. He stated he had no problem with the Borough, but this was

extreme. He did not know if Council had any influence over the Zoning Hearing Board but asked to please take that into consideration. Mayor Goreham stated Council does not interact with the Zoning Hearing Board and that they are their own judiciary body.

Public Hearings

Proposed Changes to Refuse Collection - Susan Tedesco of 144 Ridge Avenue stated she is a composter and a master gardener. She is thrilled the Borough wants to do this. It is the time for us to do this. She wanted to be part of the pilot project but her neighborhood was not selected. Organic material is a necessary part of the composting processes.

Noah Coleman of 301 South Garner Street felt this was a great program. If we move forward, a budget should be prepared for education. He noted it took three years in California for a program like this to be compliant. He stated he already composts. The more we show people we are going to save money and reduce costs, the more effective and realistic a budget to educate people will be.

Rick Staehelhouwer of 1211 Old Boalsburg Road stated he is part of the pilot program. He stated he is an advocate back yard composter and felt this is a strong way to go for the Borough. He would like to be involved in composting education and felt the Borough needs a good education program to accomplish this Borough-wide. He discussed other parts of the proposal such as the option of encouraging less residual waste by lowering the cost option for a smaller cart. He felt we need to ease into encouraging people to do this and not to just throw everything away.

Cricket Hunter of 504 East McCormick Avenue stated this was an option for reduced cost and waste and the Borough should work very well to educate people.

Jean Najjar of 938 South Sparks Street said she is happy to compost, especially in the winter. She stated the Borough should consider encouraging restaurants to use compostable containers and have less waste.

Comments from these citizens are deeply appreciated by Borough staff and Council.

Rezoning Request for 254 East Beaver Avenue –Peg Hambrick of 305 East Hamilton Avenue thanked Borough Council and staff for spending so much time on this particular issue. Although it would be nice to keep every inch of the Borough residential, not every part is appropriate for residential living. Remember that the more we encourage and keep earned income taxpayers in the Borough the better the services will be for permanent residents and the students living with us.

Consolidated Annual Action Plan 2012 – There were no public comments on this matter.

Consent Items

On a motion by Mr. Daubert, seconded by Mr. Rosenberger, Council voted unanimously to approve the following consent items:

- Approve the closing of various downtown streets, from Westerly Parkway to Allen Street to West Nittany Avenue on Thursday, October 20, 2011 from 5:30 p.m. to 9 p.m. for the State College Area School District's Homecoming Parade.
- Approve the use of Sidney Friedman Park, Municipal Allen Street Parking Lot, the 200 block of South Allen Street from Beaver Avenue to Foster Avenue, and various

downtown sidewalks for a 5K Race for the Autism Speaks Foundation on Saturday, April 14, 2012 from 6 a.m. to 4 p.m.

- Approve the closing of West Foster Avenue, from South Allen Street to Memorial Field, for the Discovery Space of Central PA's grand opening and ribbon cutting ceremony, which will be held on Saturday, October 22, 2011 from 8 a.m. to 5 p.m.
- Approve the closing of Fraternity Row and part of East Fairmount Avenue, from South Garner Street to Locust Lane, for the 2nd Annual Greek-or-Treat event, which will be held on Sunday, October 30, 2011 from 10 a.m. to 4 p.m.
- Approve the closing of Hartswick Avenue, from North Allen Street to McKee Street on Sunday, October 30, from 1 p.m. to 5 p.m. for a neighborhood block party.

Public Works

Proposed Changes to Refuse Collection – Staff members held an Open House in the Municipal Building lobby to receive input.

Council suggested a survey of those persons residing in the pilot program area should be taken.

One member of Council stated we have a wonderful refuse program and this program is so well accepted that there is no reason to change it.

Council requested to see the results of the survey and any other input.

Council did express some concern about the majority of the population who live in townhouses, apartments and fraternities and this program may not be an option for them.

Courtney Hayden stated at this time she only had preliminary response to the pilot survey. The majority (86.7%) who participated in the pilot program thought the program should go Borough-wide. She discussed education and noted we can hold an Open House and the Community Resources Fair as means to educate the public. C-NET would be willing to help us do videos about composting.

Parking

Proposed Parking Ordinance Changes - Mr. Hahn moved to adopt the staff recommendation to approve the proposed parking ordinance to amend the Vehicle and Traffic Section of the Code of Codification. Mr. Morris seconded the motion.

Council express concern about the six month period listed in Section 511 of the ordinance.

Mr. Fontaine stated the six-month provision was put in the ordinance a while ago and six months is the maximum we can approve parking for until they have to be renewed by the IRS tax code.

Council was concerned that the Borough is viewed as gouging the visitors and our parking rates should not be obnoxiously high.

Mr. Fontaine responded that the Borough has been using event rates for years and have received very few complaints about event rates. The event rates allow the Borough to maintain low rates most of the year. Staff does make some adjustments accordingly.

Mr. Daubert moved to amend in Section 511.a to remove the words “transient or” out of this ordinance. Mr. Hahn seconded the motion for purposes of discussion.

Mr. Daubert and Ms. Lawrence voted in favor of this motion and the motion failed 2-5.

Council voted 7-0-0 to adopt the staff recommendation to approve the proposed parking ordinance to amend the Vehicle and Traffic Section of the Code of Codification.

Planning and Zoning

Rezoning Request for 254 East Beaver Avenue - Mr. Daubert moved to direct the Manager to publish notice of its intent to enact the zoning amendment on November 7, 2011. Mr. Rosenberger seconded the motion.

Council was concerned this ordinance was spot zoning as the amendment only covers two or three properties.

Council and staff discussed the setbacks of this building and the design of it. They also discussed green space and open space. Many members felt they needed more clarity in this case. Staff noted there are two parts to this request and the developer is doing two things and only one is a change in zoning.

Council discussed the timeframe and what is needed to be done to enact an amendment. They discussed the difference between notice of intent and enactment.

Mr. McNally stated from a student standpoint, this is something they support. He understood the spot zoning concern and felt it was a legitimate concern. He stated an important first step is to schedule the hearing.

Peg Hambrick of 305 East Hamilton Avenue asked Council to not construe that she supports this particular project. She is a realist. She would want a single-family home in that spot. She wished we could think more creatively about this spot. Why would students want to live in warehouse after warehouse along Beaver Avenue? We need to consider the quality of life for all citizens in the Borough. We have to do what is best for the community, not for owners of specific properties. Property owners and the business communities all take risks. If she knew 200 students would be moving out of residential property areas to Beaver Avenue, this would be a tipping point. We cannot provide the services we do if we do not have a strong permanent resident income taxpaying base.

The motion passed 5-2 with Mr. Hahn and Ms. Lawrence voting against the motion.

Request to Close the 100 block of Hetzel Street, from Calder Way to East Beaver Avenue - Leonard S. Fiore Inc., the contractor, has requested the closure of the 100 block of Hetzel Street, from East Calder Way to East Beaver Avenue, to allow for the construction of a new apartment building at 477 East Beaver Avenue. If approved, the street closure would be for a period of up to 18 months. Staff has required a number of conditions, in connect with the closure and Council was provided a copy of these condition. Staff has also notified abutting property owners on the 100 block of Hetzel Street and Wilson Alley, between High Street and Hetzel Street.

Paul Carraciolo, Leonard S. Fiore Project Manager, attended the meeting and reviewed some of the details of the project. It was explained the reason for the closure request is that Hetzel Street has normal traffic and no on-street parking. The construction will require the use of 3 cranes, one on Hetzel Street, and two at the northwest corner of the building. They will utilize Hetzel Street as a staging area, Calder Way will remain open and pedestrian traffic would be

allowed on the east side of Hetzel Street the entire time. During demolition and construction the sidewalk would be closed on the north side of East Beaver Avenue and the handicapped access would be updated. A covered walkway would eventually be installed for the safety of pedestrians and motorists. The closure advantages would be for the safety of pedestrians and motorists, no extended closure of East Beaver Avenue and no loss of parking or retail on Hetzel Street. Several amenities would be added to this project like handicapped ramps, (two ramps on the west side of Hetzel Street at Calder Way) and new street lights on the north side of Beaver Avenue.

Council was concerned this request would be too disruptive to the East Highlands neighborhood and asked and if was another way to complete this project that would be less excessive.

Mr. Carraciale stated the reason for the request is that there is no more staging available around this site.

Council also felt that eighteen months was too long and discussed delays due to weather that could extend this project even longer.

The solicitor pointed out that there was no motion on the floor. Mr. Hahn moved to defer this item until the October 17, 2011 meeting due to the number of unresolved issues. The motion died for lack of a second.

Mr. Filippelli moved to deny the requests as stated in the agenda. Ms. Lafer seconded the motion.

Council discussed the letter from the Calder Commons apartment building opposing the closing of Hetzel Street from Beaver to Wilson Alley.

Council asked what the Borough's obligation was to accommodate this request. Mr. Williams responded that the Borough has control of the Borough streets, but not Beaver Avenue.

Eric Boeldt of 400 South Gill Street stated he felt the sidewalk on Beaver Avenue needs to be kept open. He stated there is no reason we need to close Hetzel or Beaver and we can make reasonable accommodation for this construction. If there is no room, maybe the design is wrong or overreaching. He stated he completed an addition to his house and staging was on his property.

Attorney Ron Lucas representing HFL Corporation, asked Council to vote against the motion this evening stating ideas that have come up during this meeting will be considered.

Following these discussions, the motion passed 6-1 with Jim Rosenberger voting against the motion.

Neighborhood Sustainability Report - Borough Council received the Neighborhood Sustainability Report at their September 16, 2011 meeting. Staff has highlighted the recommendations from the report and has organized a priority ranking and a brief update on each of the recommendations. Council is asked to conclude their review and discussion of the report.

Mr. Morris moved to postpone the Neighborhood Sustainability Report until the October 17, 2011 meeting. Mr. Morris seconded the motion. All members were in favor and the motion passed 7-0-0.

Regional Issue

Schlow Centre Region Library Funding – At the September 15, 2011 meeting of the Schlow Centre Region Library Board, Ferguson Township Supervisors presented a funding contract to the Library Board for their consideration. The contract would guarantee funding for the next three years; however, the Library Board was concerned with this approach and Board members were urged to seek input from the municipalities they represent. Specifically, the Library Board is seeking input from the municipalities as to whether or not the Ferguson Township contract should be considered outside of the typical COG Program approach.

Council had great concerns about supporting this contract and felt Ferguson Township was doing a disservice to COG and the other municipalities.

Official Reports and Correspondence

Mayor's Report – Mayor Goreham thanked all involved for the outstanding job on the dedication of the Mayor Bill Welch Plaza and the Community Resources Fair. She stated it was a stellar Saturday and was well attended and represented. She also noted the Domestic Partnership Registration was glorious and very happy for the five couples who attended.

President's Report – Mr. Filippelli stated there will not be an executive session following this meeting.

Staff Report – The Manager reported staff has adopted a general policy on potential advanced refunding of existing debt. There is a threshold of 3% saving appropriate to refund that debt. He noted additional information will be provided over the next week or so. If all goes well, we expect to have a refunding on October 17, 2011.

Mr. Hahn discussed a letter from a businessman downtown regarding the Fraser Street Realignment Project. He was concerned about some specific issues. The fact that this has gone into the fall semester with Beaver Avenue having a lane being closed and trying to travel through the downtown was a concern.

The Manager pointed out that the project for Fraser Street is ahead of schedule. We are anticipating the construction will be completed in the near future and business community has been kept informed. Staff has done everything to minimize the impact without some inconvenience. The disruptions are not intentional.

The Manager noted the Design Review Board and Art in Public Places committee may put together proposals for the space on the corner of Beaver and Fraser.

UPUA Student Representative – There was nothing to report.

There were no Items of Information and the meeting adjourned at 10:00 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary