

**Meeting Minutes**  
**State College Borough Council**  
**Regular Meeting/Work Session**  
**May 7, 2012**

The State College Borough Council met in a work session/regular meeting on Monday, May 7, 2012, in the State College Municipal Building, 243 South Allen Street, State College, PA. Mayor Goreham called the regular meeting to order at 7:30 p.m.

Council: Elizabeth A. Goreham, Mayor  
Donald M. Hahn, President of Council  
Thomas E. Daubert  
Catherine G. Dauler  
Ronald L. Filippelli  
Sarah Klinetob  
Peter Morris  
James Rosenberger

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, Borough Manager; Roger A. Dunlap, Assistant Manager; Eric Brooks, Facilities Sharon K. Ergler, Assistant Borough Secretary; Carl R. Hess, Planning Director; Thomas R. King, Chief of Police; Amy Story, Borough Engineer; Charles DeBow, Parking Manager; Anne Messner; Acting Zoning Officer and Lu Hoover, Senior Planner.

**Public Hour**

Mr. Robert Placky and Ms. Danielle Crow unveiled the latest mural and State High Alumni Art Show and exhibit, which showcases thirty years of alumni's artwork. This show includes an art auction, which will feature only Centre County and alumni artists. This show is planned for later this fall but they wanted to make Council aware of it.

Presentation of XYZ Award

Ms. Dauler presented the XYZ Award to Mr. William Elmendorf for his outstanding service on the Tree Commission. Mr. Elmendorf thanked Council for this award and commented that State College is such a nice place to live. He said the Tree Commission appreciates Council's support for trees, landscaping and for the work done in the Borough's parks. He said he enjoys serving on the Tree Commission.

Proclamations

Mayor Goreham issued a proclamation to the National Association of Letter Carriers Food Drive, which will be held on Saturday, May 12, 2012. The three letter carriers present thanked the Mayor and Council for their support of the food drive and for their donations to the State College Food Bank. The Letter Carriers Food Drive is the largest one day food drive in the nation. The letter carriers collected 14 tons of food last year and 300 tons to the local food banks within the last 17 years. This year marks the 20<sup>th</sup> anniversary of the food drive.

Mayor Goreham presented Hal Hallock a proclamation declaring May as Motorcycle Safety Awareness Month. Mr. Hallock said motorcyclists are doing their part to obey the laws and to prevent accidents and save lives. He asked motorists to look out for cyclists.

Mayor Goreham presented Scott Rawson, Executive Director, of the Emergency Medical Services of Centre LifeLink, declaring May 20- 26, 2012 as EMS Week. Mr. Rawson introduced Volunteer EMT Erin Stover and Deputy Chief Josh Messing. He pointed out that Centre LifeLink is pleased to have so many volunteers willing to serve and last year those volunteers donated 12,132 volunteer hours.

Mr. Laird Jones, 357 East Prospect Avenue, asked Council what was the status of the outdoor security camera project. He noted that money was budgeted for this project some time ago and wanted to know if there would be an opportunity for residents to provide input on the placement of the cameras.

Mr. Fontaine said the security camera project is currently in the design phase. He said he met with representatives from the Highlands Civic Association a couple of weeks ago. Mr. Fontaine said this project is still several months away from completion. He anticipates the cameras will be rolled out early in 2013.

## Reports

Spring Creek Watershed Community – Mr. Nick Schipanski, Water Resources Coordinator, provided Council with a brief report on their recent activities.

## ABC Report

### Report from the Citizen's Advisory Committee (CAC)

Mr. Shelton Alexander, Chairman of the CDBG Citizen's Advisory Committee, presented Council with the Committee's latest activities. He reported that federal funding continues to be reduced so the Committee and staff have to work harder to distribute the funding to the agencies and programs with the greatest needs. Mr. Alexander commended Lu Hoover and her staff for the excellent work they do. He said Ms. Hoover stays current on all of the HUD regulations and guidelines, which keeps the Committee operating correctly and efficiently.

Mr. Morris thanked Mr. Alexander for his report and for the work the Committee does. He said with constant and stringent cuts, it is making life more difficult for a lot of people.

## Public Hearing

2012 Consolidated Plan Amendment – Ms. Goreham opened the public hearing on the 2012 Consolidated Plan Amendment at 8:16 p.m. There was no one in the audience who wished to speak on this matter so Mayor Goreham promptly closed the public hearing.

Next, Mr. McNally commented this was his last official meeting and Ms. Laurel Petrulionis has recently been recommended to serve as the new UPUA Student Representative. Mr. McNally said it has been a pleasure working with Council and providing comment. Mayor Goreham said Council appreciates his input and noted that Mr. McNally has done a tremendous job.

Mr. Rosenberger said Mr. McNally's input has been invaluable and his service has confirmed that of a student representative.

Ms. Petrulionis said she is a freshman this year and a rising sophomore and was recently confirmed by the UPUA. She said she hopes to build on the foundation Mr. McNally has already done.

Mr. Rosenberger made a motion to appoint Ms. Petrulionis as the new UPUA Student Representative to Council. Mr. Morris seconded the motion, which passed unanimously.

## Consent Items

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

- Approve vouchers for the month of April in the amount of \$3,555,837.10.
- Approve the UPUA's nomination by appointing Laurel Petrulionis to serve as the UPUA representative to the State College Borough Council for a one-year period from May 7, 2012 to May 1, 2013.
- Appoint Donald Hahn as the Borough's voting delegate and James Rosenberger as the alternate voting delegate for the PA League of Cities and Municipalities 113th Annual Convention being held in June.
- Approve the closing of the 100 block of South Allen Street, from College to Beaver Avenue; the 100 block of Hiester Street, from College Avenue to Wilson Alley; and Calder Way, from South Garner Street to South Allen Street, on Saturday, June 30, 2012, from 10 a.m. to 8 p.m. for the Downtown State College Improvement District's Summer's Best Music Fest and Annual Street Bazaar.
- Approve the use of various sidewalks in the Highlands neighborhood on Saturday, November 10, 2012, from 8 a.m. to 10:30 a.m. for a 5K Race for Housing Transitions' Run for Shelter.

## General Policy & Administration

2012 Central Pennsylvania Festival of the Arts – Mr. Rick Bryant, Executive Director of the Festival of the Arts, made his annual request to allow the 2012 Arts Festival in downtown State College.

Mr. Filippelli made a motion to allow the Arts Festival and voted to enact the ordinance. Mr. Rosenberger seconded the motion, which passed unanimously in a roll call vote.

Council Objectives for 2012–2013 – Mr. Hahn made a motion to approve the objectives and to use it as a guidance document for the next two years. Mr. Morris seconded the motion.

Mr. Daubert said he likes the way the objectives were done; however, to ask Council to use this document for two years without review is silly. He said he would be in favor of approving a certain number to be started and worked on in 2012. He commented it would be a good idea to approve the first four items, since they come out way above the others goals on the list, but he said he does not recommend Council approve this list for a two-year period.

Mr. Fountaine said with the exception of item #15, all of these goals are part of the Strategic Plan effort. The West End plan will come back to Council in either the 3<sup>rd</sup> or 4<sup>th</sup> quarter. Organic waste and recycling will be implemented in 2012.

Mr. Hahn said he shares Mr. Daubert's concerns. He said he was confident in Council's ability to move forward with the emphasis on the most important priorities. He noted there are a couple of goals tied for #1, which is to review issues related to student housing and nuisance property enforcement. He said Council, at an upcoming meeting, will be meeting with the Neighborhood Coalition. In late summer or early fall, the Neighborhood Sustainability Report is always presented. He said he would like to see this report sooner in the year so that strategy and a game plan would be ready before students return in September.

Mr. Daubert said a strategic plan should not tie Council down to exactly what we are going to do. He said he does not understand staff's response. Some staff feel as though it is fixed in stone as to what they need to continue to work on.

Mr. Rosenberger said there are a number of items on the strategic plan that Council has expressed interest in. For example, it is Council's desire to maintain a full complement of police officers. He said he hoped Council hears more about this in the 3<sup>rd</sup> quarter. Pushing for bicycle and pedestrian safety also reflects Council's collective view; however, none of the projects can go forward without funding.

The motion passed unanimously.

#### 2013-2017 Capital Improvements Plan

Staff distributed the proposed 2013-2017 Capital Improvement Plan to Council and briefly reviewed the schedule for review and approval. Mr. Dunlap briefly reviewed some of the highlights of this year's plan.

Mr. Rosenberger made a motion to have staff advertise the public hearing on the 2013-2017 CIP and to approve the revised schedule provided by staff. Ms. Dauler seconded the motion.

Mr. Daubert asked if this was a tentative schedule. Mr. Daubert offered an amendment stating this schedule is tentative except for the date of the public hearing. Mr. Morris seconded the amendment. The amendment and motion passed unanimously.

#### **Planning, Zoning and Community Development**

##### Rezoning Request for 254 East Beaver Avenue

Ms. Dauler made a motion to adopt the rezoning request for 254 East Beaver Avenue. Mr. Rosenberger seconded the motion but had a question about the resolution. He was concerned about the cost of the performance bond. He asked how the original estimate was \$20,000 and now staff is recommending a \$900,000 bond.

Ms. Messner said there may have been some misstatements from staff because the value of the performance bond is measured by the gross floor area of the building, which is the intent of the ordinance.

Mr. Hahn asked if this was the resolution the Planning Commission had discussed when they indicated it was impractical? Ms. Messner said the Planning Commission's discussion was a general one about the rate; however, they did not see a draft resolution.

Mr. Daubert said the performance bond amount should really be reconsidered because no one will take that incentive, which defeats the purpose of our logic. From \$20,000 to \$900,000 is ridiculous. He said Council should refer this to a work session to discuss it further and then bring it back at their next voting meeting. He said he would recommend the performance bond be substantial enough to allow a developer to claim the green incentive and only put up a small amount of money in a performance bond.

Council asked staff to clarify the bond amount at their May 14 work session and bring the resolution back for Council's approval at the May 21 meeting.

Mr. Hahn said to clarify this, if Council votes to adopt the ordinance but does not approve the resolution, the fourth incentive would be eliminated and the developer would have to go with the three remaining incentives. Mr. Williams said the developer could submit a land development plan with that incentive included; however, the plan could not be approved until after May 21 when Council votes.

The rezoning amendment for 254 East Beaver Avenue passed 4-3 with Mr. Daubert, Mr. Morris and Ms. Klinetob voting against the motion.

Mr. Otto Grupp stood up and approached Council because he wanted to provide input on the rezoning request. Mr. Williams said the public's opportunity to provide testimony was held on April 2<sup>nd</sup>; however, further comment is not required by Council. At the April 2 meeting, Council also announced its intent and authorized staff to publish its intent to enact the ordinance. Tonight was the time for Council to vote as it is listed in the agenda. Mr. Williams said Mr. Grupp's only choice was to take this matter on appeal. He advised Mr. Grupp to consult with his legal counsel. He said Mr. Grupp's attorney could provide him with the information on what is required to appeal.

#### 2012 Consolidated Plan Amendment

Mr. Hahn made a motion to approve the 2012 Consolidated Plan Amendment. Ms. Dauler seconded the motion, which passed unanimously.

#### Amendment to the Zoning Code to Exempt Certain Parcels from the Nolin Soils Provisions

Mr. Rosenberger made a motion to forward the proposed amendment to the Planning Commission for review, schedule a public hearing and authorize the intent to enact the amendment at their June 18, 2012 meeting. Ms. Dauler seconded the motion and it passed unanimously.

### **Regional Issues**

CATA Budget – Mr. Hugh Mose, Manager of CATA, was present to answer any questions Council had about the proposed budget.

Mr. Hahn said he had been hearing some rumblings of discontent about the new Centre Ride provider. Mr. Mose said CATA staff has been working with the new provider to address these concerns. He added that a new provider was selected just a little over a month ago and things seem to be going pretty well; however, there have been a number of complaints lodged but he feels they are working with the provider to alleviate some of these concerns and he and his staff will continue to be attentive to the concerns raised by the customers serviced by Centre Ride.

Mr. Rosenberger said he looked at the proposed budget and said the 5% increase, which he knows is necessary. He also noted that because the Borough has had an increase in riders, the municipal share is decreasing. He agreed that the Miller Formula continues to be the best way to allocate the shares for the ridership. He said he hopes Council can continue to brag about CATA's best service, which is the 3<sup>rd</sup> largest usage in the state.

Mr. Mose said the Miller Formula is worth responding to and it is true that the Borough's share in the amount of funding they are being asked to provide is lower; however, this is because service on the Waupelani Drive corridor is becoming increasingly more productive. He also noted that not every bus route should be subsidized equally. He said it is fair to say the Miller Formula tends to benefit the shorter more intensive routes. The Waupelani Drive route is the most efficient route CATA has. This resulted in that route cross subsidizing the others and favorable to the Borough.

Council was asked to provide comments to Mr. Mose, which they did and thanked him for attending the meeting. Mr. Mose thanked Council for their ongoing support.

## Items of Information

Mayor's Report – Mayor Goreham said some time ago the Arts in Public Places Committee was approved by Council. Council had asked the Executive Director of the Arts Festival to establish the Committee. It has not.

President's Report – Mr. Hahn said he had nothing to report.

Staff Reports – Mr. Fontaine said the Zoning Hearing Board's annual report, as prepared by Mr. Lembeck, is attached to Council's agenda. He asked Council members if they had any questions and if so to submit them to him and he would get a response from the Zoning Hearing Board.

Annual Report - Ms. Hayden distributed the 2011 Annual Report. Additional copies of the report are available in the Manager's office. To conserve resources, the report will be available online and mailed to property owners upon request.

Ms. Hayden also provided Council with an update on all of the construction projects going on within the Borough. Some of those mentioned were:

- Fairmount Avenue Water Main Replacement Project
- West College Avenue Water and Sewer Replacement Project
- Allen Street ADA Ramps and Rain Gardens
- Curb Replacement and Street Resurfacing on Foster Avenue

Ms. Hayden said weekly construction updates will be posted on the Borough's website, which will include the project's progression. She is also planning to include information on the scope and impacts of the projects, as well as the schedule and who to contact with any questions. Ms. Hayden said this information will also be available on the Borough's Facebook page and Twitter account.

Mr. Rosenberger noted there are a large number of projects going on this summer. He asked if there was any way to coordinate these projects.

Mr. Whitfield commented that unfortunately most projects downtown revolve around the Penn State semesters. It is much easier to complete work during the summer months when the student population and traffic is much lower.

Student Representative Report – Mr. McNally thanked Council for passing the ordinance to rezone 254 East Beaver Avenue. Students will be getting something they want and it will make an improvement downtown by bringing in more tax revenue, as well as more professionals back into the downtown.

The meeting adjourned at 9:22 p.m.

Respectfully submitted,

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Sharon K. Ergler  
Assistant Borough Secretary