

Meeting Minutes
State College Borough Council
Regular Meeting
June 18, 2012

The State College Borough Council met in a regular meeting on Monday, March 5, 2012, in the State College Municipal Building, 243 South Allen Street, State College, PA. Mayor Goreham called the meeting to order at 7:31 p.m.

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

Also in attendance were: Thomas J. Fountaine II, Borough Manager; Terry J. Williams; Carl R. Hess, Planning Director; Anne Messner, Acting Zoning Officer; Thomas R. King, Chief of Police; Mark A. Whitfield, Public Works Director; Roger A. Dunlap, Assistant Manager; Beth Johnston, Human Resources Director; Laurel Petrulionis, UPUA Student Representative; Charles DeBow, Parking Manager; Sharon Ergler, Assistant Borough Secretary; Meagan Tuttle, Planning Intern; Kate Doe, Community Services Coordinator

Public Hour – Hearing of Citizens

Public Hearing

Nolin Soils Amendment – Carl Hess presented an overview on the amendment that was referred to the Planning Commission in May. He pointed out that representatives from the developer and engineering firm are in the audience if Council has any questions.

Mr. Hess said Nolin Soils does not currently appear on our local zoning map; however in 1977 the Borough did not manage storm water the way we do today. We now have a more unified approach to managing storm water throughout the Centre Region.

To accommodate the access, the Borough is interested in having the access point to the Retreat and potentially relocating O'Bryan Lane for a better intersection alignment, which is also the site layout preferred by the neighbors.

Mr. Hess said the Planning Commission recommended Council make the change. They have also reviewed the Flood Plain Ordinance to see whether or not we still need the Nolin Soils section in the ordinance. The Planning Commission will be continuing to work on that over the summer and will provide an update during their quarterly report in September.

There being no one in the audience who wished to speak at the public hearing, Mayor Goreham closed the public hearing at 7:30 p.m.

General Policy & Administration

Capital Improvement Plan

Mr. Morris made a motion to approve the 2013-2013 Capital Improvement Plan. Ms. Dauler seconded the motion.

Mr. Daubert offered an amendment by requesting Project OP-123 (Business Formation Revolving Loan Program) be removed from the CIP. He said he sees no reason to pursue this and private alternatives should be investigated. Mr. Hahn seconded his motion because he said the new business failure rate is extraordinarily high.

Mr. Rosenberger said he also supports the amendment. He said there is no reason the Borough should be competing against 14 local banks and added this seems like an inappropriate use of our resources.

Mr. Morris said he was opposed to that amendment. He said getting small businesses to start up is important to the Borough but realizes it is an experimental program. He said if the project does not work out, Council would not renew it.

Ms. Dauler said she is puzzled because she cannot remember Council having too much discussion on this project at previous work sessions. She said she is surprised at the objections coming forward now. She said she does not have the same negative feelings about it that others do. She felt it was worth giving it a try.

Mr. Hess said this project was previously deferred while staff worked out the details of the project with DSCID, SEDA COG, local banks, etc. When Jody Alessandrine left DSCID, there was a lapse in the progress of this proposal. It was staff's intent to reinvigorate this project later this year. Mr. Hess said this is a matching program where local lending institutions would match the \$50,000 put up by the Borough. The program could be a loan or a loan guarantee.

Ms. Dauler said she liked the idea that we are using the expertise of the RDA members as part of this program. She said she encourages the concept of giving the RDA projects like this to work on.

Mr. Hahn said it is appropriate to bring up this project now because it is important to consider staff's time that would be spent on this project. Borough staff has quite a bit to do and the staff does many things well; however, this is a new endeavor and staff would have to familiarize themselves with the guidelines, etc. He felt it was more important to concentrate on enforcement and other things that staff does very well.

Ms. Klinetob said while everyone brings up interesting points; she would be interested in seeing how this project does for a year. If it seems as though it is making a positive impact, we could continue it. She said she is open to keeping it in the CIP at this time.

Council voted 3-3 with Ms. Dauler, Mr. Morris and Ms. Klinetob voting against the motion and the motion failed.

Mr. Daubert said there is not enough information in the CIP about the Homestead Investment program. He said from the information provided he cannot tell where the money is coming from.

Mr. Hahn said this project is similar to the Community Land Trust Program. The money allotted for this project will be going to purchase State College Borough real estate. When a homebuyer is found, the funds will be replenished. He commented that the State College Borough real estate market has done a tremendous job even during the recession. He said this project is something a very nervous person would approve.

Mr. Daubert said this could create a real competition for the Community Land Trust and Housing Transitions. He said he cannot see voting on something that would compete against other valuable programs.

Mr. Hahn recommended two changes to the CIP. First, he suggested reducing the total project cost of the new garage to \$7,000,000, which is for a 500 space garage at a cost of \$12,000 per space. He felt the \$20,000,000 placeholder was excessive. Mr. Rosenberger seconded the motion.

Ms. Klinetob asked staff if that amount would be reasonable. Mr. Fontaine said the Beaver Avenue garage was \$14,000,000 to construct several years ago. Staff will not be able to determine a more accurate cost until the land is acquired; however, staff would expect to spend between \$15,000,000 and \$20,000,000 for a garage that size.

Mr. Hahn asked how many spaces are there in the Beaver Avenue garage, which also includes office space. Mr. Fontaine said the existing garage has 525 spaces and retail space would also be included.

Mr. Fontaine said we would anticipate the tenants presently in the Pugh Street garage would move into the new garage retail space. Details of the garage are several years out. Mr. Fontaine said we need to understand that the \$7,000,000 is a low number and we will not know until we get into design and construction costs a more accurate estimate.

Mr. Rosenberger said a low ball number is more helpful than just putting in a larger number as a placeholder. Mr. Fontaine said it does not make a difference at this point until a new site has been selected and because it will be two or three years before we can begin to have more concrete numbers. He added that costs are also related to the architectural features but pointed out that parking garages are very expensive to build. .

The motion passes 5 to 1 with Mr. Morris abstaining.

Design of Municipal Services Facility – Mr. Hahn said he would like to have appointed a Citizens Advisory Committee to review the design of the Municipal Service Facility. He said it would certainly ease his mind as a taxpayer. Mr. Rosenberger seconded the motion because it was a good suggestion as long as it does not create barriers and bottleneck staff's time given the time constraints and the amount of money this project will cost.

The motion passed with Ms. Dauler voting against the motion.

Mr. Rosenberger said he raised questions at one of Council's work session about how appropriate it was for Council to authorize spending taxpayer's money on these types of projects. He did note that the Discovery Space is a great asset to the downtown. He felt Council should discuss whether or not a public body should provide direct support to non-profit agencies.

Mr. Fontaine noted that the Borough does support a number of agencies through grants.

The motion passed unanimously.

Planning, Zoning and Community Development

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

Mr. Hahn made a motion to amend the Zoning Code to exempt certain parcels of land from the Nolin Soils provisions. Mr. Rosenberger seconded the motion.

Mr. Hahn said he is somewhat on the fence about this exemption; however, he is impressed by the PC's unanimous vote.

Mr. Rosenberger thanked Mr. Hess for his presentation about Nolin Soils. He said it was important to know that run off does end up in the catch basin and this project will not add to the flooding problems in State College.

The motion passed unanimously.

Request to Rezone 323 West Fairmount Avenue from R2 to RO-A

Mr. Daubert made a motion to authorize staff to authorize its intent to enact the rezoning of 323 West Fairmount Avenue from R2 to RO-A. Mr. Morris seconded the motion.

Mr. Hahn said he was sympathetic to the petitioners but not to their request. He noted that the Planning Commission recommended against the rezoning and staff has also mentioned that the Commission is also working on a new Highlands Neighborhood Plan, which was last updated in 1994. He said he would like to see what recommendations come out of the new neighborhood plan. He said he would be in favor of finding an acceptable alternative.

Mr. Rosenberger said to vote in favor of this rezoning request is voting against what Council wants in this zoning district. He said he would be voting against the motion to rezone the property.

Mr. Daubert said Council owes these property owners decision no matter what we think about other projects occurring. Mr. Daubert said staff is recommending Council vote yes or no now and not in the future when all of these other projects are completed.

Mr. Morris said he agrees with Mr. Daubert. Council authorized and advertised their notice of intent to enact. These property owners deserve a motion either in favor or against the requested rezoning.

Ms. Dauler said she also agreed with Mr. Daubert. She said it is unfortunate Council is confronted with this process. Now is not the time to express our opinions about the decision. She said it is easy to get confused in the heat of the discussion but we need to be cognizant of what Council is being asked to do.

Mr. Rosenberger said he is not confused. He said there is a cost involved to advertise the intent to enact. Mr. Hess said the cost is approximately \$200 to run a legal advertisement. Mr. Rosenberger said if this Council wants to approve this intent to enact, we should approve this recommendation to advertise. If this Council wants to turn down this request or even delay it, the sensible thing is to do it tonight.

Mr. Morris pointed out that all members of Council are not present this evening. He said all seven members should have the chance to vote.

Ms. Klinetob asked if Council was considering waiting to vote on this request until after the Highlands Neighborhood Plan comes out.

Mr. Rosenberger said he is against the rezoning now. Whether the Highlands Plan would suggest rezoning the parcel with an overlay district, he could consider changing his mind; however, it would be inappropriate for him to change his mind now.

Mr. Hahn said hopefully after the Planning Commission reviews the entire neighborhood, the Commission would have a holistic approach to remedy that entire area. He said if the Planning Commission recommends down or up zoning, he would be interested in seeing what the plan calls for. He considers this request piecemeal zoning and that tends to undercut the credibility of the ordinance.

Ms. Klinetob asked if this rezoning request could be brought back to Council after the Highlands Plan is finished. Mr. Hess said zoning amendments can be considered at any time.

Ms. Venegoni-Lestz was asked if she had anything to present and she stated she has presented everything she has.

The motion passed but Mr. Hahn and Mr. Rosenberger voted against the motion.

Items of Information

Mayor's Report – Mayor Goreham reported that the Borough and University officials met last week. It was reported that enroll for the fall 2012 semester is 43,000 students and supplemental housing will be used. Also discussed was the Homestead Investment Program, which would include more housing for faculty and/or staff. Mayor Goreham said we also discussed the upcoming LION Walk, the F8 Task Force and the recently issued report. The Borough also discussed the Financial Trend Report and University officials were sympathetic and interested in what was included in the report.

President's Report – Mr. Hahn noted that Council will be holding an Executive Session following this meeting to discuss personnel matters and litigation.

Mr. Hahn reported that Mr. Filippelli, Borough Manager Tom Fountaine, and he met with College Township representatives regarding the Paterno Way petition. He said further planning will occur after the Sandusky trail is over.

Mr. Daubert reported that Council President Don Hahn, the Borough Manager and himself met recently with Senator Jake Corman. He said they are planning to meet with each State Representative and Senator who represents State College. We are

Mr. Hahn said Senator Corman had been especially complimentary of Chief King's testimony regarding the proposal to raise fines for alcohol related offenses.

Staff Reports

Neighborhood Leadership Meeting Report – Ms. Kate Doe, the Neighborhood Services Coordinator, provided Council with a brief overview of their last meeting. Some of the topics discussed were ABC involvement and the current vacancies; a brief update on the State College Land Area Plan, and the Neighborhood Plans coming forth.

Regional Liaison Reports

Executive Committee – Mr. Morris said the Executive Committee meets tomorrow.

Finance Committee – Mr. Rosenberger said the Finance Committee discussed the purchase of vehicles for Code Administration.

Parks Capital Committee – Mr. Daubert said the Parks Capital Committee met on June 14; however, he was tied up with the meeting with Senator Corman and there was no way to get anyone to attend for the Borough. He said the agenda for the meeting was mainly leading up to the development updates on the Oak Hall and Whitehall Road Parks.

Transportation and Land Use/MPO – Mr. Daubert said the MPO has not met recently but will be meeting next week to discuss the funding formula.

Public Safety Committee – Mr. Dunlap reported that the Public Safety Committee discussed the Centre Region Code Agency's selection process for their permitting software.

Public Services Committee – Ms. Klinetob said the Public Services Committee met and discussed the Spring Creek Watershed recharge areas. We are working on developing a map of these areas so no one paves over all of it. It will be beneficial to map out these critical recharge areas and design projects around them.

Land Use Committee – Ms. Dauler reported that the Centre Region recently received a Bicycle Friendly Community Friendly Award. We will continue to become more involved as a larger community and we can continue to work together and to get buy in from other municipalities. By doing this, we can move forward on what we have started.

UPUA Student Representative Report – Ms. Petrulionis said she had nothing to report.

The meeting adjourned at 8:41 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary