

**Meeting Minutes
State College Borough Council
Regular Meeting
July 2, 2012**

The State College Borough Council met in a regular meeting on Monday, July 2, 2012, in the State College Municipal Building, 243 South Allen Street, State College, PA. Mayor Goreham called the meeting to order at 7:32 p.m.

Council present: 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; Roger Dunlap, Assistant Manager; Sharon Ergler, Assistant Borough Secretary; Carl Hess, Planning Director; Mark Whitfield, Director of Public Works; Thomas R. King, Chief of Police; Laurel Petrulionis, UPUA Student Representative; Charles DeBow, Parking Manager; Meagan Tuttle, Planning Intern; Alan Sam, Environmental Coordinator; and interested members of the media.

Public Hour – No one in the audience wished to speak on matters not on Council's agenda.

Consent items – Mr. Daubert asked to have the Downtown Master Plan item be removed from the list of items for approval because he wanted to discuss it further.

Mr. Rosenberger made a motion to approve the following consent items. Ms. Dauler seconded the motion.

- Approve vouchers for the month of June in the amount of \$2,409,790.68.
- Award the Downtown Master Plan (Project #OP-122) to Mahan Rykiel Associates, Inc., in an amount not to exceed \$200,000, contingent upon the Solicitor's review of the contract and negotiated Scope of Work.
- Approve the closing of the 200 block of South Allen Street, bagging of the meters on the 300 block of South Allen Street and the 100 blocks of East and West Foster Avenue for Centre County Youth Service Bureau's annual Last Cruise and Car Show on Saturday, July 28, 2012, from 3 p.m. to 10 p.m.

The motion passed unanimously.

Mr. Filippelli made a motion to award the Downtown Master Plan (Project #OP-122). Mr. Rosenberger seconded the motion.

Mr. Daubert said he has not seen the scope of work or a project description for the Downtown Master Plan. He also said to appoint a 20 person committee is ridiculous. He said that size group is too large.

Mr. Fontaine said the scope of work was previously distributed to Council. He noted that staff is proposing an advisory committee similar in size to other committees we have had in the past. The committee would be advisory only and all decision would still rest with Council and not the committee.

Mr. Sam said since different aspects of the Downtown are affected by this plan, staff thought it would be important to have different groups represented on the committee. For example, representatives from the downtown business community should be included, as should representatives from Penn State.

Ms. Dauler said she recalls being on a committee for the Downtown Vision and Strategic Plan. She said that committee was well run and thought this one could be as well. She added it is possible for large committees to accomplish goals.

Mr. Daubert asked who would run the committee.

Mr. Fontaine said the committee would elect a Chair and staff would provide support to the committee. All reports and recommendations would be sent back to Council.

Mr. Rosenberger asked if the Borough Solicitor had a role in this project. Mr. Williams said he reviewed the Performa language and most of the changes dealt with intellectual property. He said he also made some revisions to the Memorandum of Understanding.

The motion to approve the Downtown Master Plan passed 6-1 with Mr. Daubert voting against the motion.

General Policy and Administration

South Allen Street Pedestrian Mall Pilot

Mr. Fontaine explained that some time ago Councilman Morris requested Council consider a pedestrian mall on the 100 block of South Allen Street. The closing would be as a test pilot to see what the response was from pedestrians, merchants, etc. He noted that he received a phone call earlier today from Edward Friedman, who called to express his disagreement with the proposal.

George Arnold, DSCID Executive Director, said he had emailed Council earlier today recommending Council not approve this proposal. He said it would be unwise to act on this proposal. Many retailers have expressed to him that foot traffic has decreased and sales are down. Changes, such as closing off the street, will create frustration and drive customers outside the downtown. This, in turn, will cause businesses to leave. Mr. Arnold noted other pedestrian malls that have failed, such as those that were established in Reading, Williamsport and in Ithaca, New York. He asked Council to take careful consideration and concern before moving forward with this project.

David Nevins, 1370 Haymaker Road, said he found out about this proposal a week ago. He said as a business owner and a landlord downtown, he and his tenants are against this proposal. Mr. Nevins said even a temporary closure would be harmful to these merchants. This decision is one of severe economic impact and would be very dangerous, even on a trial basis. He said for Council to implement this without any forethought would be quite dangerous. He said there are many issues to consider such as loitering problems in pedestrian malls, especially in a college town. Many merchants enjoy the convenience of parking in front of their stores. Mr. Nevins said there is plenty of data that indicates a pedestrian mall decreases the diversity of businesses. As a property owner and businessman, he encouraged Council to reject a pedestrian mall pilot.

Jordyn Drayton, 1434 South Pugh Street, the owner of FreezeThaw Cycles at 109 South Allen Street, said although he may have the minority opinion, he is in favor of a pedestrian mall. He said as a business owner for the last seven years he has seen a huge boost to his business since the Borough has expanded the bicycle friendly routes throughout the downtown. He said his business is doing well and he is able to pay a livable wage to his eight co-workers. He said State College is a great place to reside and own a home. It is also a great place to raise a family in such a livable and sustainable community. He said State College and the surrounding area provides access to the best outdoor activities in the East. People come to State College for the best mountain biking in the world. Mr. Drayton said public spaces promote public safety, unlike dark alleys. The removal of parking will move cars into the adjacent parking garages, which would go a long way to help pay for the debt in the garages. A pedestrian mall on South Allen Street would encourage customers to shop and eat. Many customers merely grab and go now. Mr. Drayton said other pedestrian malls have succeeded, like the ones in Boulder, Colorado and Burlington, Vermont. He urged Council to do the experiment and move forward with a pedestrian mall downtown.

James Lochran, 820 West Whitehall Road, suggested moving forward with the pilot since it is an experiment. He suggested Council consider doing the pilot during the appropriate seasons rather than through the winter and rainy months. If nothing else, it would be a good way to benchmark data.

Susan Barsom, 417 West Nittany Avenue, a member of the Centre Region Bicycle Coalition (CRBC), said she strongly supports this experiment. She said the CRBC's Executive Committee thinks this is a great idea; however, comments from business owners affected by the pedestrian mall should be taken into consideration. Ms. Barsom said there are a number of successful pedestrian malls. She agreed with Mr. Drayton that ample parking is available nearby in the parking garages, which are a half a block in either direction of South Allen Street. She said the pilot is worth a shot. She suggested Council not vote it down but do more research before deciding.

Dolores Taricani, Chairman of the DSCID Board, said she firmly believes that State College is at the edge of success with the Fraser Centre. This will bring more people downtown. She said the change is close. She said although one merchant would benefit from this closing, many other retailers would not. She said the DSCID Board represents all kinds of retailers and people and we have to go with the best interest of the downtown.

Matthew Patterson, 221 Gerald Street, said he is the owner of Jersey Mike Subs on South Allen Street, which opened in January 2012. He said he does have a lot of foot and take-out traffic; however, his biggest concern is deliveries. Calder Way was not designed to facilitate all of the tractor trailers who need to make deliveries to the merchants. The majority of the tractor trailer drivers attempt to make their deliveries and get out of downtown before the stores open. Mr. Patterson said every time South Allen Street is closed his business suffers. He said in Burlington, Vermont and in Jackson, Wyoming, those towns were designed for pedestrian malls and they have a niche clientele seeking that. Our demographics in State College are much different. He said he would envision loitering if a pedestrian mall were approved. He said some of his customers do not like parking garages; however, he said he does offer validated parking. He does not want to make it inconvenient or difficult for customers to park if they want to eat at his establishment.

Gary Moyer, a resident of Ferguson Township, said as a retired retailer who spent the last 35 years at the corner of College Avenue and Allen Street, he would be opposed to any closing on South Allen Street. He said the only question he had was what would the Borough propose doing on the weekends after the Arts Festival if the pedestrian mall was approved? Would there be saw horses placed at College and Allen and Beaver and Allen? Would there be a thought out plan with scheduled events, decorative closures at each end of the street. He said he feels this pilot is only creating an uphill climb by putting the retailers on South Allen Street in jeopardy. Mr. Moyer said most typical retailers are within 30-60 days of going under and many operate on a shoe string. If Council makes one big mistake, it could cost someone their business.

Mike Desmond, owner of Hotel State College & Company, said he has been in the hospitality business for a very long time. He said there are 17 diverse store fronts in the 100 block of South Allen Street, of which 15 of them are independent small businesses. Mr. Desmond said he questions the process of a vote on a possible pilot program. He asked why merchants were not called on for their opinion before taking this up for a vote. Mr. Desmond stated there is room for more discussion and sharing between the local government and the small businesses in the Borough.

Mr. Morris said there are a lot of people both for and against this pilot project. He said thinking about the pilot program, he was thinking of not this summer but next summer. He said most people would agree that a pedestrian mall has worked in other areas. If it worked here, we would all agree that this is a great thing for a livable and sustainable community. A pedestrian mall could become a magnet destination for people who are visiting town. If we try the pilot and it does not work, it just means it is not a good thing for State College and we should not pursue it any further. Mr. Morris said what he was envisioning did not involve saw horses at the ends of the block to close the street. He said he envisioned all cars removed from the street and retailers could open out into the street. Restaurants could have tables outside where people could sit and dine and other retailers could bring out racks or tables of their goods and wares. Pedestrians could shop in the open air. He said he does not believe everyone could sit in Council Chambers and say it would be a failure. He stated we would not know until we did a pilot project. Mr. Morris suggested trying it for just the summer and ask merchants for their input on whether or not it was working. He said at the end of the summer, Council could revisit the idea and decide whether to do it permanently or to not do it again.

Mr. Hahn thanked Councilman Morris for bringing up this suggestion. This provided a great opportunity to provoke thought and discussion. He said one question that comes to his mind, is how we market the downtown over the summer. He noted that most times during the year, there are quite a few students and tourists in town who shop and dine. During the summer months, most of the students are away and, other than the Arts Festival, there is not

a big draw into the downtown. He said a lot of factors being cited are rather absent in the summer. Parking is more plentiful during the summer and the streets are less congested. Mr. Hahn said the PA Municipal League Conference is coming to State College next year and State College is an easy commodity to sell to out-of-towners. He added it would be helpful to find some way to communicate that to additional audiences. He suggested referring this to DSCID for a study to consider ways to promote the downtown. One thought was to organize an appetizers contest among the downtown restaurants or promote specialty stores. Mr. Hahn said what is important is to get input from the downtown merchants and discover what works to promote the downtown during the summer. A pedestrian mall is a very good attention grabber; however, he would like to hear other ways to get people to come into town.

Mr. Hahn made a motion to refer this matter to the DSCID for further review and discussion. Mr. Rosenberger seconded the motion.

Mr. Rosenberger said he appreciated tonight's input. He said for the last three years he has proposed that we do not tear down the beautiful landscaping for a few weeks after the Arts Festival. What would it hurt to let the landscaping up one or two additional weeks? By doing so, it could provide a comparison of the economic impact from one summer to the next. He added that DSCID would be the best people to collect that data.

Mr. Filippelli asked if so are we proposing to let DSCID do a study. The merchant's input should hold some considerable weight in the outcome. For example, if 90 to 95% of the merchants did not want to move forward, we should be listening. The merchants are citizens too, and they are also important members of our community. Council does not know what their businesses or margins are like. This is a big risk to take with people's livelihood. He said he would be willing to support Mr. Hahn's motion and agreed that DSCID is the right body to consider this.

Ms. Dauler said she worked a number of years in New York City as a buyer in retailing. She said she knows retailing can be a tough business. She said she is opposed to a pedestrian mall. She has seen other areas where pedestrian malls were built and these places have been deserted and are now wastelands. She suggested letting the consultants, who will be working on the Downtown Master Plan, make some recommendations.

Mr. Daubert said if the DSCID works on a study and comes up with the suggestion to try a pedestrian mall, DSCID needs to take everybody's views into mind. This would involve a proper study to come up with a compromise or a plan which Council might even consider. He said once DSCID is ready, they could come back and report to Council the findings of the study.

Ms. Klinetob said she appreciated everyone's voice and input to this concern. She said it is an interesting idea to bring unification to the downtown. She noted that planning ahead would be important. This summer is out of the question to try it. She said DSCID may come back with a proposal to try weekends and then heavily advertise the events. She agreed that saw horses are not the right way to close off the street. Ms. Klinetob said the pedestrian mall in Ithaca, New York is too far away from the university. She felt a study was worthwhile to see if this is something the merchants and Council is interesting in implementing.

The motion to refer the pedestrian mall pilot to DSCID passed 6-1 with Ms. Dauler voting against the motion.

Planning and Zoning

Zoning Map Amendment to Rezone 323 West Fairmount Avenue from R2 to RO-A

Mr. Morris made a motion to enact Ordinance 1993 to rezone the property at 323 West Fairmount Avenue from R2 to RO-A. Ms. Dauler seconded the motion.

Mr. Rosenberger said Ms. Venegoni-Lestz raised some interesting questions such as why is it possible for properties with student-home designations to sit dormant for several years. Why is this the case and what distinguishes it now?

Mr. Fontaine said this is difficult with any real property right because the property right existed at the time the student rental was first created and permitted. The Borough cannot regulate this usage out of existence. These rental properties are valid existing nonconforming uses and remain as such unless the property owner abandons

that use. Mere abandonment is insufficient. For example, if a fast food business in an R-1 zoning district had gas tanks, they have the right to maintain that business and those tanks. However, if the property owner chose to remove the tanks, they would abandon the right and expressing the intent to abandon the use. With student homes, staff has wrestled with these homes for decades. If you renovate a unit that has 3 apartments, and the property owner fails to get permits to maintain the student home designation, the owner has expressed intent to abandon the use. The fact that a property owner continues to get permits year-after-year, they are preserving their rights. The fact that they do not use the property as such does not destroy that right.

Ms. Klinetob said she has thought a lot about this rezoning request. She said her original concern is this property could be a student home in the future or with a future owner. By rezoning this property, there is no way to stop a student home at this property in the future. She said she likes every other option except the student home option. She said she would be open to hearing this request again in the future.

In a roll call vote, the motion passed 4-3 with the following Council members opposing the rezoning Mr. Rosenberger, Mr. Hahn and Ms. Klinetob.

Official Reports and Correspondence

Mayor's Report – Ms. Goreham said she had nothing to report.

President's Report – Mr. Hahn reported that several members of Council recently attended the PA League of Cities and Municipalities Conference in Pittsburgh. Acting PLCM President, Rick Viello, the Mayor of Lock Haven, was confirmed as the new President. Borough Council is looking forward to hosting and welcoming the PLCM organization to State College next year. Mr. Hahn also reported that he was stepping down from the PLCM Board; however, Mayor Goreham was elected to succeed him.

Messrs. Daubert, Morris and Rosenberger, along with Mayor Goreham, engaged in some good lobbying of our colleagues to encourage them to lobby their state legislators to raise fines for alcohol-related offenses. Senator Jake Corman first introduced these bills. Council members felt they had made tremendous progress in their lobbying efforts.

Staff/Committee Reports

Update on MUNIS (ERP System) Implementation – Mr. Dunlap reported that staff is prepared to “go live” next week on the Borough's Financial software. A soft go live is scheduled for this week and the project is both on schedule and on budget. Mr. Dunlap said he would continue to update Council on the new MUNIS software as we next look ahead to implementing our Work Orders and other processes later this year.

Mr. Dunlap said the financial modules have taken a lot of staff effort. We have a lot of people to thank for their hard work and commitment to this project. Staff has continued to maintain the existing practices, while learning a completely new software system. Norma Crater and her team, along with Angel Hernandez and his staff, deserve a lot of credit because at times, it felt as though they were asked to do two full-time jobs. He said he would like to express his appreciation to this group of individuals for their efforts.

Mr. Rosenberger thanked Mr. Dunlap for the update. He said it sounds like this software will be much more efficient. Mr. Dunlap said the initial set up of the software and the modules, along with entering the initial data is what is taking the most time.

Student Representative Report – Ms. Petrulionis said the UPUA has met with the Government Affairs Committee to discuss the interest rate for Stafford Loans at 3.4% versus the proposed 6.7% rate. To date, there have been no cuts to appropriations to Penn State University by Governor Corbett. She added that the UPUA has recently been invited to attend Penn State Board of Trustees meetings.

Mr. Hahn said Governor Corbett's proposed budget did propose a 30% cut in funding to Penn State; however, local legislators such as Senator Jake Corman, Representatives Scott Conklin and Kerry Benninghoff continued to fight to restore that funding, and ultimately, the final budget did not cut funds to Penn State.

Items of Information – Mr. Filippelli said, in terms of the DSCID studying the pedestrian mall pilot, he would like to recues himself from the study and the discussion on that issue.

There being no additional items to discuss, the meeting adjourned at 9:01 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary