

Meeting Minutes
State College Borough Council
Work Session
August 13, 2012

The State College Borough Council met in a work session on Monday, July 9, 2012, in the State College Municipal Building, 243 South Allen Street, State College, PA. Council President Hahn called the meeting to order at 6:30 p.m.

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

Also present: Thomas J. Fountaine, Borough Manager; Debra A. Lang, Staff Assistant; Mark A. Whitfield, Public Works Director; Roger Dunlap, Assistant Borough Manager; Carl R. Hess, Planning Director; Alan Sam, Environmental Coordinator/ Arborist; Kate Doe, Neighborhood Services Coordinator; Meagan Tuttle, Planning Intern; Terry Williams, Borough Solicitor; Kelly Aston, Police Community Relations Officer; Tom King, Chief of Police; Jim Steff, COG Executive Director; members of the media and interested citizens.

Mr. Hahn began with a moment of silence and pledge of allegiance.

Mr. Hahn reviewed the agenda layout and noted item V. A & C will be discussed together. He also noted Council will not hold an Executive Session following the meeting.

Public Hour – Hearing of Citizens

Mr. Williams reported, with sadness, the passing away of Bob Kistler who was the Borough Solicitor for 20 years. He noted Mr. Kistler worked very hard on the Home Rule Charter followed by the Borough. He noted there were some very tumultuous years during his service with the Borough. He noted Mr. Kistler has a very enviable record and he had an air of patrician detachment.

Laird Jones of 357 East Prospect Avenue stated he was wondering about the status of the 14 security cameras the Borough budgeted for installation. Mr. Fountaine stated there was not much progress on this project and the project is in design. In response to a question from Mr. Jones, Mr. Fountaine stated locations have not been chosen for these cameras. He stated the earliest these cameras would be installed would probably be in 2013. Mr. Jones stated he will check back on this matter at a later date.

General Policy and Administration

Projects Report/Open Agenda –

Mr. Fountaine noted this report was enclosed with the agenda packet and he did not receive any calls with questions so if Council had any questions or comments, he would be happy to address them. Mr. Daubert noted, in response to Mr. Jones's question about the cameras, the project update report shows this item being completed in December of 2012. Mr. Fountaine noted we may have the cameras at that time but the installation probably won't be until sometime in 2013.

Council Meeting Plan –

With regard to the tentative upcoming agenda items, Mr. Fountaine noted the question staff has is whether Council wishes to hold the September 4, 2012 meeting; cancel the meeting or hold a work

session/regular meeting on September 10, 2012. He stated there may only be a couple of bid items on the agenda for the September 4th meeting. He also stated the Voter ID Law was adopted by Council with minor revisions and amendments and Council may wish to reconsider this item at a later time in September since Mr. Morris asked that a vote on this matter not be taken until he is at the meeting and he will not be available on August 20th.

Mr. Hahn stated it was Borough Council's prerogative to rescind their action on this Voter ID resolution. He stated the resolution has nothing substantive in it.

Mr. Morris stated he has two views on the vote on this matter. He stated felt there should not be a "cloud" over a vote taken by Council. He stated there are two ways to look at what was done on this vote. It was passed or not passed and in his mind there is a cloud over that vote and another vote should be taken. Secondly, he stated he would like to be there for the vote since the previous vote was 4-3 and if he was not there, the vote would be 3-3 and the item would fail.

Mr. Hahn stated he did not want to proceed with a vote on August 20th but that would be up to the other Council members. He noted the next voting meeting would be on September 4th and if that meeting were canceled, the next voting meeting would be September 17th.

Mr. Rosenberger suggested cancelling the September 4th meeting and having a work session/regular meeting on September 10th to handle any other bid items, etc. and the Voter ID Law vote at that time.

Mr. Daubert stated the information received from the August 6th meeting on this matter is incomplete. He stated the information does not say who was for and who was against this law. He stated this information is not in the public record and it should be. Mr. Fontaine noted the information given to Council is just notes from the meeting and the minutes will reflect the vote. He stated the vote at that meeting was unanimous although there was some confusion as to whether the main motion was adopted or the motion with the amendments.

Mr. Morris stated Council was voting on the amendments at that meeting otherwise it would not have been a unanimous vote. He agreed with Mr. Rosenberger to have a work session/regular meeting on September 10th.

Mr. Fontaine clarified that the discussion and public comment on the Voter ID Law will still take place at the August 20th meeting and a vote will be taken by Council at the special meeting to be held on September 10th.

Mr. Daubert stated he objects to canceling the September 4th meeting if a full set of minutes from the August 6th meeting on this matter are not available. Mr. Fontaine stated the expectation is that these minutes will be complete; however, he noted the record indicates a unanimous vote on this matter. Mr. Hahn stated he did not believe the full set of minutes was necessary. Mr. Daubert requested a breakdown of the votes on this law. Mr. Fontaine noted that vote was in the notes presented at this meeting. He stated the only way to show who voted for the law and who voted against the law is if a roll call vote was taken.

Mr. Rosenberger stated he had some edits on the notes provided and would get these edits to the secretary.

Ms. Klinetob asked if there were any matters on the agenda for the September 4th meeting that cannot wait. Mr. Fontaine responded there may be one or two bids, but they were not time sensitive.

It was agreed the September 4th meeting would be canceled and a special meeting be held on September 10th.

Council Work Plan 2012-2013 Update

Mr. Fontaine noted progress has been made on most, if not all of the goals. Mr. Rosenberger asked for an update on item #1 on the list. Mr. Fontaine apologized to Council noting the item attached on page 9 of the agenda packet was not the most current list. He briefly updated each item on the list and advised Council he would get the new list to them. He stated this item will be on the agenda for next week.

Mr. Daubert asked if we should be spending time on 14 or 15 different things. He thought the first 6 or so items should be worked on but he was not so sure about the rest of them. Mr. Fontaine stated these items were in Council's Strategic Plan and work has started on all the items. He stated work on the items does not occur all at the same time and he felt it was appropriate to continue to address these items.

Mr. Hahn stated these items are on-going efforts. He stated 3 or 4 of these items are being addressed at this meeting tonight and Mr. Fontaine's point is well taken. He suggested perhaps assigning lower priority to some of the items and perhaps eliminating one or more but that discussion is for a voting meeting and not at this time.

Regional Issues

COG Program Plan

Mr. Fontaine noted this plan was distributed in July and staff's comments were sent to Council. There were no further comments from staff other than what was sent to them. In response to comments from COG, Jim Steff, Executive Director stated they have not seen staff's comments.

Mr. Daubert stated he is on the COG Parks Committee and he doesn't know why the Borough keeps pushing for construction of their new facility for early 2013. Mr. Fontaine stated the comments say late summer or early fall of 2013. He stated we can add clarification to that comment that if COG isn't ready at that time, the Borough may be able to phase in this project to fit COG's schedule. Mr. Daubert agreed this clarification comment should be made.

Mr. Rosenberger questioned the staff comment on the top of page 7 regarding allowing COG an opportunity to revise the land development process. He noted this is a serious opening. Mr. Fontaine stated this option was available to COG since 2009. He stated if COG is serious about this, they need to let us know. COG would be responsible to cover the cost of the revision to Ferguson Township. He noted COG and Ferguson Township must assure the Borough that this change would not adversely affect us. It was noted the sites COG is considering are at least two years out.

Ms. Dauler stated she was pleased to read this document and noted it was very comprehensive.

Mr. Steff stated they have received a variety of opinions and comments from the various other municipalities on this document. He stated a feasibility study and needs assessment is being completed and the Borough will receive a copy of this document when it is completed. He stated College Township is on board with the plan for the Whitehall Road site for their new Parks Maintenance Building. Ferguson Township suggested a pre-manufactured building be considered. Patton Township has asked for more justification. He stated he talked to the Harris Township Manager and she felt the estimated cost was too high for this building. He discussed all the items they would need to do to complete this building and noted a date of 2013 would be a stretch to have this completed. He stated phasing of this project is a good alternative and any consideration to phasing that the Borough could give would be helpful.

Mr. Rosenberger asked for some insight as to how the Borough option got taken off the table. Mr. Steff stated the report states it was withdrawn. Mr. Rosenberger asked if this was an irreversible change with regard to the Ferguson Township zoning. Mr. Fontaine stated we do not know the impact of the zoning change but a complete redesign of the site would be needed.

Mr. Hahn stated he is surprised that there is surprise at this time on this matter. He felt it was practically an impossibility to redesign this site, at this point, to include the COG Parks Maintenance Facility.

Mr. Fontaine stated his understanding of this conversation is that COG has moved on and the Borough should, as well. The Ferguson Township zoning will not allow the Parks Maintenance Facility on the Borough's site but the Borough will work with COG on phasing the project as much as possible.

Mr. Daubert stated it is still not clear to him the reason why this item was taken off. He stated the site COG is looking at on Whitehall Road is the appropriate location for this facility. He stated the zoning issue is also not clear to him. He stated this facility should precede the Whitehall Road development of a regional park. He noted the main issue is there is not enough space on the Borough's site for what COG wants.

Mr. Steff stated whatever the Borough can do with project sequencing to assist COG would be appreciated.

Mr. Filippelli asked Mr. Steff, as the Borough moves forward, what will COG do in the interim. Mr. Steff stated they would rent space and move their equipment there.

Mr. Fontaine asked about the comment on the top of page 7 regarding continuing to work with COG on this matter. Mr. Rosenberger stated it was an appropriate comment and should stand as stated.

Mr. Daubert discussed the proposed formula change for calculating local funding in the Centre Region COG 2013 Program Plan. He stated he previously voted against this new formula and there will be another meeting next Monday afternoon and he plans to vote to use the current formula and not the new proposed formula. Ms. Goreham asked if alternative formulas were proposed. Mr. Daubert responded about 12 different formulas were proposed and none of them were to our advantage. Mr. Rosenberger stated he supported Mr. Daubert pushing back on this issue. Mr. Hahn commended Mr. Daubert for his work on this Committee. He stated, nationwide, MPOs are underrepresented. There were no additional comments to the COG Program Plan.

Planning and Community Development

Neighborhood Sustainability Report

Mr. Hess presented highlights of this report and gave a power point presentation to those present. Mr. Hahn thanked Mr. Hess for this report. He stated he received the document via e-mail around 4 p.m. He noted the report contained a lot of helpful information. Mr. Hahn noted he felt the Regulatory Regulations on Page 17 would help us identify who has permits and the potential waiver of these permits.

Ms. Klinetob asked if this would be a way for us to say because a permit it not renewed, the use has been abandoned. Mr. Hess stated we could use that but the property owner would be able to appeal that decision through the Zoning Hearing Board.

Downtown Master Plan Steering Committee

Mr. Fontaine stated the material on this subject was included in the agenda packet. Council is expected to act on this matter at the meeting next week. He noted that Hugh Mose was inadvertently missed from being listed on the Steering Committee.

Mr. Daubert stated there is no one from Council or staff on this Committee. Mr. Fontaine noted there would be no staff on the Committee. Mr. Hess stated Borough Council would need to appoint a member of Council who they would like to see on this Committee. Mr. Fontaine stated one member of Council should serve on the Committee. Mr. Hess stated the Committee would be responsible for interviews; updates to Council as they request. Staff members who would work with this Committee but not be on the Committee would include Alan Sam, Megan Tuttle, Mark Whitfield, Amy Kerner and himself. Mr.

Daubert asked who would be the Chair of this Committee and Mr. Fontaine stated the Committee would decide that. Mr. Daubert had concerns if this Chair would be the person they know best or the one who would do the best job.

In response to questions from Mr. Filippelli, Mr. Hess stated the Executive Committee would deal with the day-to-day issues and work with the consultant. The Steering Committee would receive feedback from the Steering Committee, review documents as they are produced, etc. He also stated the Steering Committee would make endorsements to Borough Council.

Mr. Daubert stated the Executive Committee did not have one citizen of the Borough on it and he felt this was wrong. Mr. Fontaine stated this Committee would be an administrative group to guide and steer the group.

Restorative Justice Program

Kelsey Fleming provided those present with a power point presentation on this program.

Mr. Rosenberger thanked Ms. Fleming for the great report. He stated he is thrilled to see this coming and he appreciated the work completed on this program. He wondered what the impact on the community would be with the additional police presence. Ms. Fleming stated recidivism is high and this program will make an offender realize their actions affect others. The program can change the culture of the community.

Ms. Klinetob also thanked Ms. Fleming and those who helped work on this program. She stated it is a very compelling report and well organized. She stated she is excited for this program. She wondered how many other programs there were like this and how many other university towns have a program like this. Ms. Fleming responded that our program is unique. She stated the group working on this program looked at other university towns and pieces of all these other programs were put together to make our program. She stated none of the other programs have the Town/Gown component that ours has. The other programs are usually just university related programs.

Mr. Daubert stated he also liked the report but there were a few things he doesn't understand. He asked what Ms. Fleming means "the offender would have to look the community in the face". Ms. Fleming stated the offender would have to attend the neighborhood dialogues and they would then see how their actions affect others. Mr. Daubert also questioned if the instructors would be community members. Ms. Aston stated the community members would be volunteers and therefore; residents will be participating in this program.

Mr. Morris stated he agrees the report was great and well organized. He is strongly supportive of this program and hopes it goes well.

Ms. Dauler noted many years ago, citizens suggested a Restorative Justice program; however, that program had different goals. She felt this program was a worthwhile endeavor and she is pleased for the program and looking forward to it.

Ms. Goreham stated she has delighted interest in this program and is very excited about it. In response to a question from Ms. Goreham, Ms. Aston stated volunteers for this program should contact her. Ms. Goreham felt this program was a wonderful way to keep the community connected and affected. Ms. Aston stated she felt it was important for the citizens to feel they have a voice. Ms. Goreham stated she sees this as a potentially successful program.

Mr. Rosenberger stated this program will be taking the fear away and will provide a great deal of healing. He is glad our community is going forward with this program. He also noted a great book on restorative justice is "*Grace Goes to Prison*".

Peg Hambrick stated she has worked with this group and they are a great group with great ideas and she is very supportive of this program.

Mr. Fountaine also wanted to thank Ms. Fleming and Ms. Joyce Eveleth, the Borough's AmeriCorps members, for their work while at the Borough. He noted that both will be leaving the Borough shortly, as their one year of service will be ending around the end of this month. He also wished to thank Kate Doe for her service at the Borough. He noted Kate started with the Borough as an AmeriCorps member and was hired as a Borough employee following her year of service. After two years with the Borough, Kate will be leaving her employment with us. He noted they will be big shoes to fill.

West End

Mr. Hess provided Council with a power point presentation giving the chronology of the West End Revitalization Plan. He noted this is one of the oldest parts of the Borough. He noted the plan is looking for partnerships in this area.

Ms. Dauler stated she is glad we are going to give this another stab. She stated she hopes we can have a discussion on collaborative work with the university on student housing in this area. She stated when the university purchased the Smith property; they should us some designs for this area. She was hopeful for some discussions on possible technical incubators as part of this project. She felt we should try to figure out how we can get PSU grads to stay and have a state in the community. We should foster a way to create an environment necessary to get people to stay here. She felt it would be easier to do this than to try to draw young entrepreneurs into the community. She suggested looking at models of other communities. She stated she hopes these items could be a component in the RDA and Planning Commission discussions.

Mr. Rosenberger stated not only the Smith property but the Houts property should be looked at. He stated he felt we should work with Ferguson Township to develop a consistent strategy.

Mr. Filippelli stated he is skeptic. This subject has been around for the 6 years he has been around but he is willing to look at it again. He felt with the circumstances, it is difficult to change anything substantial. He felt it might be too late to do anything with the Smith property in cooperation with the university and the developer but thought we should try to focus on this site.

Mr. Morris stated redevelopment of this area is very hard, although, he agrees we should try. He too feels we should work with the university and Ferguson Township on this project. In response to a question, Mr. Hess stated the joint meeting of the RDA and Planning Commission will be on September 10, 2012.

Mr. Daubert stated he is a proponent of a step-by-step plan for the West End. He felt a grandiose plan for this area would be counterproductive. He stated about 20 years ago, the university had a beautiful plan for the area around Railroad Avenue and he thought we should consider doing some of those things. He noted there is always money in the CIP for this plan but nothing is ever done. He felt we should review some of the things previously discussed for this area.

Ms. Klinetob thanked Mr. Hess for the history of this project. She stated she is learning more about this project and she has been a proponent of the plan since she heard about it. She stated every detail as the process unfolded is important to inform us today. She does not believe we have lost momentum on this plan nor is it hopeless. She stated she felt everything we have learned will help us with a well thought out and organized plan.

Ms. Goreham stated Ms. Dauler's ideas were excellent. She stated if we have the property owners and the Holmes-Foster Neighborhood in support of this project, we can move forward.

Ms. Dauler stated, especially since she has been teaching English as a Second Language, she has noticed and heard that international students have a hard time finding a place to live and they struggle

with this. She stated the university is not very helpful to these students and suggested we focus on some type of housing for these international students in this area.

Mr. Hahn stated it would be great if we could open some commercial and non-residential opportunities in this sector. He stated the current zoning straggles. He stated it would be a relief to see more residential actions taking place in this area. He stated he believes that height is confused with density. He noted the noise impact created by taller buildings. He stated height does not mean density. He stated an important fact is the realization of the Borough that we have to live within our neighborhoods. With commercial growth in the West End, we need to be conscious of the need to maintain and sustain the Holmes-Foster neighborhood.

Council adjourned at 8:42 p.m.

Respectfully submitted,

Sharon K. Ergler,
Assistant Borough Secretary

Prepared by Debra Lang, Staff Assistant