

State College Borough Council
October 4, 2004

The State College Borough Council met on October 4, 2004, in the Council Chambers of the State College Municipal Building, 243 South Allen Street. President Daubert called the meeting to order at 7:30 p.m.

Present: Thomas E. Daubert, President
Catherine G. Dauler [*arrived late*]
Elizabeth A. Goreham
Craig R. Humphrey
Jeffrey R. Kern
Janet K. Knauer
James H. Meyer

Absent: Mayor Bill Welch

Also present were: Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Solicitor; Ronald A. Davis, Assistant Manager; Barbara J. Natalie, Assistant Secretary; Thomas R. King, Chief of Police; Michael S. Groff, Director of Finance; Mark A. Whitfield, Director of Public Works; Carl R. Hess, Planning Director; Tim Grattan, Information Systems Director; Amy J. Story, Borough Engineer; Michele Nicolas, Human Resources Director; members of the media; and other interested observers.

The Pledge of Allegiance followed a moment of silence

PUBLIC HOUR.

Dr. Robert Carline, Chair of the Water Resources Monitoring Committee, a group formed under the auspices of ClearWater Conservancy, said his Committee was formed in 1998 to establish baseline water quality and quantity data for Spring Creek. The Committee's goals are to provide a description of the quantity and quality of surface and ground waters, provide the means to detect changes in these waters, and provide sufficient measurable sensitivity to permit assessment of these changes. Since its inception, the Committee has established and currently monitors a network of 12 surface-water and 7 ground-water monitoring stations throughout the Spring Creek watershed. The project's success has been recognized with the award of two Growing Greener grants and the 2001 Governor's award for watershed stewardship. Data collected by the Committee is of particular interest to the Borough, he said, because it can be used to develop total maximum daily loads, address several requirements for small municipal separate storm sewer system permits, make land use decisions, and assess stream segments impaired by urban runoff. All of the data collected is available to all project stakeholders at no cost. Dr. Carline said the Committee is seeking long-term funding commitments from these stakeholders, and it was his hope that the Borough would continue to support them with a pledge of \$17,176.00 for each of the next three years.

Ms. Knauer asked how the formula for sharing costs was developed, since the Borough has the densest population but the least development. Dr. Carline said the Committee considered people, traffic, development, and usage but, since they are all related, it chose to base its funding formula strictly on population.

President Daubert informed Dr. Carline that Council would take his request for funding under consideration as part of its 2005 budget discussions.

PUBLIC HEARINGS:

2005-2009 Capital Improvements Program. The first item set aside for public input was the proposed 2005-2009 Capital Improvements Program (CIP).

Mr. Fountaine advised that the 2005-2009 CIP was distributed to Council on September 13. Capital expenses are projected through 2005 but only the first year of the Program is funded in next year's budget. The CIP includes those items having a value of \$10,000.00 or more and an estimated life of six years or longer. Some projects are phased in over several years;

others are completed in one. At the end of each year, funding for capital projects that have not been completed are kept in the Program until the project is complete. In 2005, capital expenditures total \$4.1 million:

Streets.....	\$1,316,500.
Storm Water	362,000.
Parks.....	188,000.
Other Projects.....	785,993.
Sanitary Sewers.....	334,000.
Parking Projects	1,119,250.

Enterprise funds, community development block grant money, grants, and other miscellaneous sources will pay for all, except \$1,207,500.00, of these costs. The balance will be covered by the Penn State in-lieu payment, interest, a new debt payment, and a transfer from the General Fund. The sanitary sewer and parking projects are self-funded.

On October 4, the Transportation Commission commented on the CIP; members

- requested \$10,000.00 be added to neighborhood traffic mitigation in 2005 because members did not believe \$17,000.00 would be adequate to fund mitigation measures in the east Highlands area;
- requested that funds be added in 2008 or 2009 for the retiming of traffic signals, which would include signals currently not on the closed loop system as well as the downtown system (suggested funds be added for wireless traffic signal connectivity for signals not on the loop system and that downtown signal retiming be completed every five years);
- suggested Council consider striping bicycle lanes along designated bicycle routes (possible funding through Hometown Streets/Safe Routes to School program); and
- requested funding be earmarked for satellite parking.

The Planning Commission reviewed the proposed CIP on October 6 and 13 and offers comments on several specific projects which are summarized below. The comments are made with the realization that revenue limitations are always a factor, but the Commission believes its suggestions are extremely cost-conscious.

- **Urban Village Improvements (ST053).** The Commission is very disappointed to see that Council would receive a proposal for such a small effort for the next two years. The Commission encourages Council to consider more funding for this project by moving all allocations forward one year to eliminate the zero dollar appropriation in 2006 and to substantially increase the level of funding for all years. The Commission notes that CIP funding over the past 10 years reveals little investment in public facilities of any type in the UV district, and that situation needs to be improved upon as a top priority.
- **Beaver Avenue Extension (ST071).** The Commission believes that a detailed analysis of the costs and benefits of extending East Beaver Avenue must be done prior to advancing this project. Of particular concern is the potential impact of the proposed East Beaver Avenue extension on owner-occupied residences in this section of the Highlands Neighborhood. The two fundamental questions such an analysis must answer are: 1) will the project have the traffic mitigation benefits anticipated by staff? and 2) will the project have the pedestrian safety benefits anticipated by staff? At this point, no data exist to support either hypothesis.
- **Aquatics Facility (RP041).** The Commission understands the rationale for not including a specific funding amount for the new aquatics facility but is concerned this will be viewed by our other municipal partners as a reduced commitment to the project. It is essential for Council to reassure its partners that the Borough will support this project when it is ready for implementation. The Commission supports the recommendation in the CIP that the new aquatics facility should be constructed at the Welch Pool location.
- **Landfill Reclamation Study (RF032).** The Commission endorses the proposed site assessment, which includes an environmental study. It would be desirable that future uses of the site generate revenue to assist the Borough in meeting its financial commitments.
- **Zoning Ordinance Rewrite (OP054).** This appears to be a 2-phase project. The Commission supports redrafting the ordinance to the extent that it is made more user-friendly (phase one), which would also lead to eliminating inconsistencies within the text. Resources should be allocated to permit preparation of a plan or proposal to carry out this first step. However, any comprehensive rewrite (phase 2) that changes the underlying land

use scheme of the Borough ought to be deferred, particularly if revenue is short. Funds over the next couple of years in this item would be better allocated to improvements in the Urban Village district, which the Commission sees as a higher priority. The Borough can easily continue to live with the current ordinance until such time that enough revenue is available to do this project.

- **Parking Projects (PF071& PF072).** There are two projects in the Parking Fund section of the CIP that the Commission specifically supports as high priorities. First, the Commission has long been on record as supporting satellite parking facilities linked to downtown via transit as an important way to ameliorate downtown parking demand. To this end, the Commission recommends implementing PF072 as soon as practical. Second, the Commission supports PF071, the Intermodal Transportation Center, and urges creativity in the location, design and mix of uses in such a center.
- **Allen Street/Central Park Walkway (PK041) and Parking (PF041).** The Commission supports the development of 234 and 236 South Allen Street with the walkway and parking lot projects. These projects will provide a needed parking resource to serve the municipal building and improved access to Central Parklet that will foster a green oasis in downtown.

President Daubert called for audience participation. No one came forward to speak to the CIP. He closed the hearing and said that further discussion of the Program will take place on October 11, 22, and 29. Action on the Program may be taken on November 1st.

2005-2009 CDBG/HOME Consolidated Plan and 2005 Action Plan. The only other item on the agenda specifically included to receive public comment was the 2005-2009 Community Development Block Grant (CDBG) and Home Investments Partnership Program (HOME) Consolidated and 2005 Action Plans.

Mr. Fontaine noted that the consolidated and action plans provide detail on projects proposed to be funded by federal CDBG and HOME grant money in the coming five years and on projected spending for fiscal year 2005. The CDBG Citizens' Advisory Committee reviewed the Plans at its meeting September 13 and recommended it be approved by Council. The Plans must be submitted to HUD by November 15.

President Daubert asked for input from the audience; there being none, he closed the hearing and returned the subject to Council. He mentioned that action on the Plans may not be taken until November 1, which date follows a mandatory public review period.

CONSENT ITEMS

Special Activities: High School Homecoming Parade. The first item of Consent was to take action on a request to permit the Parkway, Allen Street, and Nittany Avenue to be used for the high school homecoming parade.

Mr. Fontaine distributed an application to use Westerly Parkway, South Allen Street, and Nittany Avenue to conduct the State College Area High School's homecoming parade. The parade is to be held on October 14, 2004, beginning at 5:30 p.m. and ending about 9:00 p.m., he said.

Upon motion of Ms. Knauer, second by Mr. Kern, Council voted 6-0-0 to permit the use of those streets listed for this activity.

Pension Funds Distributed. The next item was to consider enacting a resolution to distribute state aid to employee pension funds.

Each year, Mr. Fontaine said, the Borough receives money from the state to assist in meeting pension obligations. In 2004, the Borough received \$771,511.00 to be distributed between the police and general government employees' pension funds. In accordance with Act 205, distribution of the funds must take place by Resolution.

Upon motion of Ms. Knauer, second by Mr. Kern, Council voted 6-0-0 to enact Resolution 863, distributing money received from the state to the police and general government employees' pension fund.

Special Activity: Fall Festival. The only other item of Consent was to take action on a request to use Hiester Street and Locust Lane for a fall festival.

Mr. Fountaine explained an application from the Downtown Improvement District to use Hiester Street (College to Beaver) and Locust Lane (College to Calder) on October 16, to conduct a fall festival. The festival is to be set up at 6:00 a.m. and continue throughout the day until 8:00 p.m. Activities will include a carousel, rock-climbing wall, craft market, face painting, and entertainment.

Ms. Knauer moved to approve the use of these streets, contingent upon Calder Way remaining open to traffic at all times and any booths or stages being positioned to enable emergency vehicles to access the streets if needed. Mr. Kern seconded her motion, and it carried unanimously.

BIDS/CONTRACTS/AGREEMENTS

Easement: Allegheny Power for Beaver Garage. The first item of this category was to consider executing an agreement with Allegheny Power to relocate utilities in conjunction with the Beaver Avenue parking garage project.

Mr. Fountaine reported that Allegheny Power submitted a right-of-way agreement and invoice for estimated charges to relocate overhead service to the utility tunnel being constructed as part of the Beaver Avenue parking structure. The estimate for the work is \$35,292.00.00. Prior to beginning any work on this project, Allegheny requires that the Borough execute an easement agreement and pay the estimated amount. He noted that this agreement with Allegheny is similar to those previously executed with Verizon, Adelphia, D&E Communications, and Columbia Gas. And, Allegheny's estimate for the work is within the estimate for utility relocation expenses for this project.

Upon motion of Mr. Kern, second by Ms. Goreham, Council voted 6-0-0 to approve execution of the agreement and appropriate funds to begin the work.

Highlands Traffic Study. The only other item of this category was to consider a professional services contract for the study of traffic in the east Highlands neighborhood.

On June 2, 2003, Mr. Fountaine recalled, Council adopted a traffic calming study and approval process policy. The policy is to be followed by the Transportation Commission whenever any traffic mitigation or calming is requested. During the policy review period, Council recognized that the east Highlands neighborhood was under review by the Commission but concluded that the study process would commence at the appropriate sequence within the policy. The Transportation Commission reviewed the policy and determined that the Highlands project is at Step 1D of the process. Additionally, the Commission determined the project area is that bounded by University Drive, Easterly Parkway, Pugh Street, and Beaver Avenue. Supporting data will be collected within the study area. The Commission concluded that the assistance of a traffic engineer was needed for the process to continue and recommended a consultant complete the traffic study and submit the information to the Commission and Council before the project goes forward. The Commission reviewed a proposal from the Borough's traffic consultant, Trans Associates, and recommended Council approve it. Funds for the study (\$18,500.00) are available in Account 30-439-613.

Ms. Goreham moved to authorize the execution of a contract for up to \$18,500.00 with Trans Associates to conduct this study. Mr. Humphrey seconded her motion.

In response to Mr. Kern, Christopher J. Falzone, Chair of the Transportation Commission, said supporting data will be collected two or three times through the conduct of an origin-and-destination (O&D) study. The study will show where motorists originated, whether or not they stopped within the study area, and their final destination. Once that data is collected, the Transportation Commission and/or Council will have to wrestle with the definition of "through traffic" and what is or is not acceptable levels of traffic. Mr. Kern wanted to know how the consultant planned to achieve random samplings. Dr. Paul P. Jovanis (a Penn State professor whose class will be assisting with the collection of data for this project) told Council

people will be positioned at sites in the study area where motorists are exiting. Every so many motorists will be stopped and surveyed during the three peak traffic hours of the day. In addition to the O&D information, the data will show how many motorists travel in this neighborhood. Mr. Kern thought the only result of this study will be that motorists on the east side of University Drive are driving through the Highlands, a known fact. He didn't understand why Council would approve an expenditure of \$18,000.00 to hear what they already know. Dr. Jovanis felt the other studies did not determine if motorists had a destination within the neighborhood.

Mr. Daubert noticed that the survey will not include Waring, Irvin or McCormick Avenues. Dr. Jovanis said they will not collect data on these streets because they are considered low-volume-traffic roadways.

Ms. Dauler arrived at the meeting.

The question was called on Ms. Goreham's motion, and members approved it by a vote of 6-1-0. Ms. Knauer voted against it.

ABC RECOMMENDATIONS

Sign Ordinance: Amendment to Off-Premise Directional Signs. The first item referred by an advisory group was an amendment to the Sign Ordinance to define and modify rules for off-premise directional signs.

Mr. Fountaine described the draft of an ordinance that creates a definition and modifies rules for off-premise directional signs. The amendment, he said, was initiated by a businesswoman whose shop is on Highland Alley but who has been unable to arrange for a permanent directional sign to guide people from Allen Street to her establishment. The Planning Commission reviewed her request and recommended Council approve the amendment. The Commission's approval was not unanimous. One Commissioner voted against the amendment because it does not allow shopping centers to list all of the individual businesses in the center on a directional sign. Shopping centers are currently limited to listing the name of the shopping center only. This limitation applies only to shopping centers that are defined as such in both the zoning and sign ordinances. Other types of buildings with multiple tenants are permitted to list each tenant on an off-premise directional sign. The amendment, Mr. Fountaine noted, modifies regulations related to eligibility, content, location, size, sign type, number, and licensing requirements.

Ms. Goreham moved to receive the amendment and schedule a public hearing to be held on November 1. Her motion was seconded by Ms. Dauler.

Ms. Knauer asked why shopping centers are not permitted to list individual businesses on a directional sign. Mr. Hess explained that Planning Commission members felt some centers have many businesses and it would be difficult for a motorist to read the sign. Mr. Kern thought that to allow office buildings to list businesses but not shopping centers was inequitable, and he suggested that if motorists cannot read individual business names, it is the shopping center's concern, not Council's.

Mr. Kern moved to amend Ms. Knauer's motion to advertise a public hearing that would include the same regulations for listing individual businesses on shopping center signs as are afforded office buildings. Ms. Knauer seconded his motion, and it carried unanimously.

Voting on the main motion (as amended), Council approved it without dissent.

NEW BUSINESS ITEMS

Hazard Mitigation Plan. The first item of New Business was to enact a resolution to adopt and place into immediate effect the Centre County Hazard Mitigation Plan.

Mr. Fountaine advised that the federal Disaster Mitigation Act of 2000 requires all communities to develop and adopt a disaster mitigation plan. If such a Plan is not adopted, municipalities will not be eligible for the full range of pre- and post-disaster mitigation

funding available under the Hazard Mitigation Grant Program. Each Plan must assess the types of natural hazards the community faces and the potential losses they could cause. Hazards are prioritized in the Plan and impact reduction strategies are identified. To reduce costs and duplicative efforts, the Centre County Office of Emergency Services coordinated a County-wide Plan. Once the Plan is approved, it will be forwarded for PEMA and FEMA review.

Ms. Knauer moved to enact Resolution 864, adopting the Centre County Hazard Mitigation Plan as the Borough's Plan. Ms. Dauler seconded her motion, and it was approved by a vote of 7-0-0.

"Ivan" Disaster Recovery Agent. The next item was to enact a resolution designating the Borough's agent for matters related to "Ivan" disaster recovery projects.

On September 20, 2004, Mr. Fontaine said, Council enacted a resolution declaring an emergency as a result of the heavy rainfall resulting from the Tropical Depression "Ivan." Council must also designate an Agent to act on its behalf in matters related to the recovery of costs resulting from Ivan.

Upon motion of Ms. Knauer, second by Mr. Humphrey, Council voted unanimously to designate the Borough Manager as its agent for matters related to the *Ivan* disaster.

Centre Area Cable Consortium. The next item of New Business was to consider adopting joint Articles of Agreement to establish and be a part of the Centre Area Cable Consortium.

Mr. Fontaine reminded Council that, at the COG General Forum held September 27th, the municipal managers made a presentation proposing the formation of an inter-municipal consortium for the purpose of jointly negotiating a cable television franchise and to address matters related to cable television. In the past, the Centre Region municipalities, along with the Borough of Bellefonte, informally worked together on cable television matters but there has not been a formal relationship. The Centre Area Cable Consortium would provide a vehicle to more effectively address cable television concerns in the community and improve the quality of cable communication services. Mr. Fontaine added that the consortium would also allow the municipalities to share costs for negotiating a cable franchise. This would allow the consortium to hire a professional consultant with expertise in cable television issues in a more cost effective manner. Although the final composition of the consortium is not yet determined, the Boroughs of State College and Bellefonte, along with the Townships of Patton, Ferguson, College, Harris, Benner, and Spring, have expressed an interest in being part of it. The Borough's final cost for participation in the consortium cannot be determined until the consortium is formed. The funding formula proposed calls for an initial payment of \$5,000.00 by all partners with the balance of the cost apportioned based on the percentage of total subscribers in each member municipality. The Borough's estimated cost for participating as a member of the consortium is \$11,200.00. Mr. Fontaine also recommended Council appoint one of its members to serve as a director of the group.

Mr. Kern moved to enact Ordinance 1796, approving the Centre Area Cable Consortium's joint Articles of Agreement. Ms. Goreham seconded his motion, and it was approved unanimously.

Ms. Knauer moved to appoint Catherine Dauler to serve on its board. Mr. Humphrey seconded her motion, and it carried by a vote of 7-0-0.

Zoning Ordinance: Amendment to Overlay Subdistricts 7 and 8 of the Downtown Vision & Strategic Plan. The only other item was to approve a list of examples and suggestions for the Planning Commission's review of an amendment to the zoning ordinance.

Mr. Fontaine distributed a list of suggestions for subdistricts 7 and 8, which are to be submitted to the Planning Commission to guide members in their review of a substitute overlay ordinance for this area. He noted that the list was compiled from Council's previous conversations on the subject and is an attempt on the part of Council to achieve landmark buildings in this area. The list is:

Underlying Zoning Regulations:

FAR: 2.0

Base Height: 55 feet

Maximum Height: 75 feet

Open/Green Space (not necessarily public space): 10 percent

No cinder block, vinyl, or Dryvit exteriors

Enclosure of rooftop mechanicals to mirror building; 10 feet maximum height above

Residential balconies back 30 feet plus from front, back, and side(s) rights-of-way

Examples of Incentives

Commercial ground floor (10,000 square feet plus)..... + 10 feet

No balconies..... + 10 feet

No residential..... + 10 feet

No parking requirement for any commercial

(e.g. >10,000 square feet, which now requires parking)

Owner-occupied residential of at least 50 percent of building FAR 2.5

The Commission should not consider these suggestions and examples as limiting the scope of their review. Council encourages the Commission to consider expanding the substitute overlay amendment to include other planning districts identified in the *Downtown Vision & Strategic Plan*, including those neighborhoods immediately adjacent to the downtown.

Council also requests that the Commission consider how each parcel could be developed under a substitute overlay amendment, and include the potential development possibilities as part of the Commission's report to Council.

Council also asks the Commission to review this amendment as setting forth the zoning regulations and incentives for the long-term development of downtown State College. Council notes that frequent amendments to the zoning ordinance creates confusion within the community and may serve as a detriment to the type of development identified in the *Downtown Vision & Strategic Plan*. As such, the Commission should consider that the overlay zone will not be amended for ten years after it is adopted.

Mr. Fountaine also mentioned correspondence addressed to him and dated October 4, 2004, in relation to this subject, which is made a part of these minutes:

Subject: George Robert Smith Property at 215 South Atherton Street

I am writing for George Robert Smith, a long time State College resident and property owner. Mr. Smith recently received a notice from the Borough about the possible rezoning of his property at the corner of South Atherton Street and West Beaver Avenue. The proposed rezoning would change setbacks, height limits, parking requirements, and other things. Since Mr. Smith received that letter, Council has had several regular meetings and work sessions. The Balfurd properties, the Smith property, and a number of other properties along Atherton Street were discussed. I received a short letter from Mr. Smith. In that letter he says the following:

"I had a letter of intent to purchase in 2001 based on the purchaser's appraised value by their appraiser, Thomas Rutherford. My family and I declined the offer at that time. The property should have appreciated since that time and it has extremely high traffic counts. The Balfurd owners have objected to the zoning changes because of the affect that the changes will have on their property values. Our family property is certain to be affected even more severely because of the frontage of our property on Atherton Street and Beaver Avenue. The setbacks that would apply are not reasonable. The proposal to exclude the Balfurd properties from the rezoning leaves the Smith property as an island."

We suggested to Mr. Smith that he write letters to you for the Borough and to Mr. Carl Hess for the Planning Department. Mr. Smith is working on those letters now, but I do not believe they will arrive at your office before the next regular meeting of Council. Please treat this letter as his protest against the proposed rezoning. It is equivalent to a taking or a condemnation. We will deliver this letter to your office on Friday and deliver a copy to Mr. Hess. Mr. Smith's letters should arrive at your office next week. Please convey Mr. Smith's protest and objections to the proposed zoning changes to Council. S/S. Paul Mazza, The Mazza Law Group, P.C.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. President Daubert announced an *executive session*, being held following this meeting to discuss personnel matters and the potential purchase of property for municipal purposes.

Liaison Reports. Ms. Dauler, having just returned from a conference in Kentucky, told Council that she saw several 1950-era structures that were adapted to new uses in Louisville and Lexington, and one particularly fine department store that had been remodeled using tax credits.

Staff/Committee Reports. Mr. Fontaine announced he received a request from Ferguson Township to support their application for a state grant to purchase property for a park. It was the consensus of Council that the Manager draft a letter of support for this project.

ITEMS OF INFORMATION

Development Potential in the Centre Region. Mr. Daubert said he toured the Centre Region with other COG elected and appointed officials to review potential development sites. His opinion was that, if all the sites were developed, it would double the population of the Region. Ms. Goreham added that there are plans to develop outside the growth boundary; it is a critical time for elected officials to discuss how to manage growth in the Centre Region.

There being no other item to come before Council, the meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Barbara J. Natalie
Assistant Borough Secretary