

State College Borough Council
Work Session
Monday, September 13, 2004

The State College Borough Council met in a work session on Monday, September 13, 2004, in the State College Municipal Building's Council Chambers, 243 South Allen Street, State College, PA. Mr. Daubert called the meeting to order at 8:17 p.m.

Present: Thomas E. Daubert, President
 Elizabeth A. Goreham
 Craig R. Humphrey
 Jeffrey R. Kern
 Janet K. Knauer
 James H. Meyer

Absent: Catherine G. Dauler

Also present: William Welch, Mayor; Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Borough Solicitor; Ronald A. Davis, Assistant Borough Manager; Michele Nicolas, Director of Human Resources; Thomas R. King, Chief of Police; Carl R. Hess, Director of Planning/Community Development; Herman L. Slaybaugh, Zoning Officer/Planner; Michael S. Groff, Finance Director; Amy J. Story, Borough Engineer; Mark S. Henry, Health Officer; Timothy Grattan, Director of Information Systems; Penn Clark, Systems Analyst; Edward C. Holmes, Parking/Facilities Coordinator; Cynthia S. Hanscom, Recording Secretary; members of the media; and other interested observers.

Overlay Subdistricts 7 and 8 for the Atherton Street Corridor

Mr. Fountaine said a public hearing was held on September 7 where six people testified, five of whom opposed the proposal to create an overlay for subdistricts 7 and 8 of the *Downtown Vision and Strategic Plan*. The overlay would create a conditional use permit approach to promote superior building design and increase public amenities, mixed uses, and housing opportunities for permanent residents. The overlay would reduce the allowable floor area ratio for residential uses from 2.5 to 1.0, and cap building heights at 45 feet or 4 stories. Floor area ratios can be increased to 1.5 for rentals or 3.0 for owner-occupied units. Building height can also be increased to 80 feet for improved amenities, mixed uses, and improved design.

Mr. Fountaine noted that staff has reviewed the testimony and provided a written report. Council is being asked to discuss the input from the public hearing and determine how it wishes to proceed. Council could:

- authorize the publication of a notice of intent to enact the proposed ordinance, as written, at the October 4 meeting;
- remove the proposed amendment from its agenda and take no further action on it. This would remove the pending ordinance currently in effect;
- refer the proposed amendment, as is, back to the Planning Commission for additional refinement; or
- modify the boundary of the proposed overlay and refer the revised proposal back to the Planning Commission for additional refinement.

Mr. Humphrey said he would be in favor of authorizing publication of Council's intent to enact the ordinance. He noted the main reason he ran for Council was to encourage the conversion of rental housing to owner-occupied adult units. He believed the overlay would accomplish this goal.

Mr. Meyer said he would be in favor of dropping the ordinance. There were too many changes that needed to be made before he would feel comfortable in moving forward. Both staff and property owners seem to be too far off base to come together with a common ordinance. He realized there was a concern about keeping the pending

ordinance intact to prevent potential development but he did not see that any development would be affected.

Ms. Goreham said a lot of time had been spent on the downtown vision plan and this would be the first real proposal to come out of that plan. Pennsylvania has the second largest loss of young workers. The Borough needs to have a downtown that is economically successful with amenities and distinctive features that draw young workers to the area. Also, adult workers would help strengthen the already burdened tax base for the Borough.

Mr. Kern said the overlay is not ready. He believed a comprehensive vision should be done by looking at the entire downtown. He also believed the ordinance needed to be sent back to the Planning Commission and Downtown State College to review and then come back to Council with a better recommendation.

Ms. Knauer commented that she did not want to lose the pending ordinance and allow other possible student residential units. The ordinance may be too drastic but it can be amended once it is in place. She believed this was the first time Council was doing something to follow the Downtown Vision Plan and believed, if Council refused the proposal, it was “running from the challenge.”

Mr. Daubert did not like the ordinance and believed it should be referred back to the Planning Commission with suggestions for changes. He agreed the ordinance went too far but believed there could be more specific conditions attached, such as setting the building back an additional 10 feet, which would allow for 10 additional feet in height. Once the Planning Commission received direction from Council, the ordinance could be moved forward quickly.

Ms. Knauer noted the financial incentives listed in the proposed ordinance included tax increment financing/tax abatements programs, grants/low interest loans; reduction or waiving of building permit fees, waiving or return of real estate transfer fees, and incentive parking programs. Ms. Knauer noted that Council had never discussed the financial ramifications to the Borough. Some of the suggested incentives could cost money. Teresa Sparacino, Executive Director of the Downtown Improvement District, noted that tax abatement may reduce the tax revenue but most grants could be done in conjunction with other state programs, such as community revitalization. Mr. Fountaine noted that waiving the real estate transfer tax would have the most significant impact.

Council members discussed changes in the ordinance and whether or not those changes would require the ordinance be re-advertised. Mr. Williams advised that any change in the floor area ratio would be considered a significant change that would require re-advertising.

Mr. Meyer said he would recommend eliminating the area along Beaver Avenue as suggested by staff. Mr. Kern said there was too much at stake to throw the ordinance away; Council should provide clear guidelines on what they wanted to see out of the ordinance.

George Woskob, GN Associates, commented that the area is densely built with student housing. It is a high traffic area. The area is not suitable for adult housing. He also saw flaws in the incentives listed. He believed that other transitional zones, such as the R-O and ROA could be modified to accommodate the kind of adult housing that is being encouraged in subdistricts 7 and 8. The most suitable use of the land in question is for high-rise student housing. Because the area is already occupied by rentals, he said it is difficult to reverse the trend.

Phil Wagner, Director of Safety and Transportation for Off Campus Student Union, said development is important to consider issues of safety. It is very difficult to control large numbers of people and asked Council to keep this in mind when proposing changes to development standards that would permit high-rise student housing.

Bob Fogelsanger, an owner of the Balfurd property at the corner of Atherton and Beaver Avenue, said the Vision Plan is a good concept but applying it to the whole area would devalue his property so severely that it would not be possible to develop the land.

Council discussed redrawing the lines of the proposed overlay area to exclude the property on the corner of Beaver and Atherton.

Mr. Daubert said that Council has four options when considering the ordinance; they could:

1. exclude the area south of West Beaver;
2. exclude the area along Atherton Street to the church;
3. drop the pending ordinance and send it back to the Planning Commission with suggested changes; or
4. pass the ordinance with amendments.

The ordinance will be revisited on September 24, Mr. Daubert added.

Revisit Goals and Priorities

Mr. Fontaine provided Council with a draft report of its preliminary choices for goals and priorities. Although there was some overlap in the results, he said there was no consensus. Mr. Daubert asked Council to review the list and put the top 8 things for the two- and five-year goals in prioritized order.

Property Maintenance and Fire Code

Mr. Fontaine explained that Council is being asked to consider changes to the International Property Maintenance Code, 2003 edition. The proposal includes suggested changes from both Borough staff and the Centre Region Code Committee. Comments will go back to the Code Committee and then to the Council in November for adoption. Greg Mussi, Director of Code Administration, was present to answer questions.

Ms. Knauer asked if there would be changes in the fines. Mr. Mussi explained the summary citation fines go to the Borough and the tenant fines are paid to the Centre Region Council of Governments (COG). The tenant fines are new.

Mr. Daubert noted the habitable square footage per person is to be increased to 200 square feet; however, there is no reference to this change. Mr. Mussi noted the square footage will be in accordance with the uniform construction code. Any new construction will have to comply with the uniform construction code.

Mr. Daubert noted egress is not permitted through kitchens; however, he believed there are many instances where a second exit could be provided through a kitchen. Mr. Mussi noted that egress is not permitted where the kitchen area serves adjoining rooms. Mr. Daubert said this section was unclear.

Mr. Daubert suggested the “sidewalk obstruction” under Section 1000.2 needed to be defined. Mr. Fontaine said it was defined in the original ordinance. Mr. Daubert asked that it be referenced in this section. Mr. Fontaine noted the definition was listed in Section 1000.9 but Mr. Daubert felt that was too far ahead in the document and asked that some reference be made in Section 1000.2.

Mr. Daubert noted the ordinance does say how a fine can be appealed.

Mr. Daubert suggested (d) under Section 1000.2 could be eliminated. Mr. Fontaine said this part restricts the total number of points that can be accumulated in any 24 hour period to three. The Housing Task Force put this in because they did not believe

it was appropriate to take a rental property from being in compliance to out of compliance all within one night.

Mr. Daubert asked about the language in Section 1000.3 which stated the suspension will commence on the first day following expiration of the lease provided the lease is not for more than a 1-year period. If the lease was good for another 11 months, the on-going conditions could continue for 11 months. Mr. Fountaine noted that in extreme cases, such as life and safety, code officials could close the building.

Mr. Daubert noted that in Section 1000.5 the appeal procedure from the Health Officer was changed to the Centre Region Building and Housing Code Board of Appeals. He believed this removed control from the Borough and transferred it to COG. Mr. Fountaine said this was a recommendation made by the Housing Task Force because the code would be enforced uniformly. Mr. Daubert believed it should go through the rental housing revocation appeals board rather than through the Centre Region Building and Housing Code Board of Appeals.

Mr. Daubert noted that Section 1000.12. (1) mentioned “sidewalks contiguous to the property.” This was unclear and should be defined.

Mr. Daubert mentioned that, under Section F104.3, reinspection was changed from five to three years. Mr. Mussi noted this part of the code deals with fire codes. Mr. Mussi believed it would be reasonable to change the reinspection period to three years. He noted that rental property inspections were being conducted every 18-20 months. Mr. Kern believed inspections were too infrequent. He suggested the minimum not be set and the reinspection period be listed as “up to” 3 years.

Ms. Knauer referenced Section 1000.12, (2) which notes that points assigned to tenants or guests apply to the tenant’s dwelling. Mr. Mussi explained that offenses that occur in the unit rest only with that one unit; however, points for offenses committed by the property owner are assigned to the entire property.

Evaluating the Manager

Mr. Fountaine distributed outlines on the process of evaluating the Manager and questions that can be asked to determine core competency. He asked that the evaluation occur in January rather than December. Mr. Daubert asked Council members to review the form for further discussion at the September 24 work session.

2005-2009 Capital Improvement Program

Mr. Fountaine distributed the 2005-2009 Capital Improvement Program. He encouraged Council to read the transmittal that outlined the issues in preparing the CIP. Staff attempted to create a document that stabilizes the program and also begins to address the realistic financial cost of projects.

Mr. Daubert said the CIP will be discussed at Council’s work session of September 24. A public hearing was scheduled for October 4 with further discussion occurring on October 11. Council is expected to take action on the CIP at their November 1 meeting.

There being no further business, the meeting adjourned at 10:05 pm.

Respectfully submitted by:

Barbara J. Natalie, Borough Secretary