

State College Borough Council  
September 7, 2004

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

Present: Bill Welch, Mayor  
Thomas E. Daubert, President  
Catherine G. Dauler  
Elizabeth A. Goreham  
Craig R. Humphrey  
Jeffrey R. Kern  
Janet K. Knauer  
James H. Meyer

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; Herman L. Slaybaugh, Zoning Officer; Amy J. Story, Borough Engineer; Edward C. Holmes, Parking Facilities Coordinator; Michele Nicolas, Human Resources Director; members of the media; and other interested observers.

The Pledge of Allegiance followed a moment of silence.

**PUBLIC HOUR.** No one spoke to issues not included on the prepared agenda.

**PUBLIC HEARING:**

**Zoning Ordinance: Amendment Overlaying Atherton Corridor.** The only item set aside to receive public input was a proposal to amend the zoning ordinance to create an overlay for Subdistricts 7 and 8 of the *Downtown Vision & Strategic Development Plan*.

On August 2, Mr. Fountaine said, Council received a proposal to amend the zoning ordinance to create an overlay for subdistricts 7 and 8 of the *Downtown Vision Plan*. Following discussion, Council voted to refer the proposal to reviewing planning agencies and the ad hoc downtown committee that created the Plan, and to receive public input on the proposal at this meeting. Property owners in the subject area were notified of the hearing and provided a copy of the amendment to review. Using a conditional use permit approach, the intent of the amendment is to promote superior building design and increase public amenities, mixed uses, and housing opportunities for permanent residents in downtown State College. Operationally, the amendment reduces the allowable floor area ratio for residential uses from its current 2.5 to 1.0, and caps building height at 45 feet, or 4 stories, under base zoning conditions. Floor area ratios may be increased to 1.5 for rentals or 3.0 for owner-occupied units under the conditional permit process. It is also possible to increase the height of a building to 80 feet in return for improved amenities, mixed use, and improved design. Staff believes the language related to building design will allow individual design professionals a large degree of latitude to work with both the opportunities and constraints of individual sites. Both the Borough and Centre Regional Planning Commissions reviewed the amendment and submitted comments. Mr. Fountaine asked Mr. Hess to review those comments.

Mr. Hess recapped the comments by stating the State College Planning Commission recommended that Council:

- (1) not enact the proposed amendment, as written;
- (2) afford the Planning Commission additional time to study the proposal and prepare an alternative amendment;
- (3) request clarification from the Solicitor of the several legal issues raised during the discussions of the proposal; and
- (4) prepare a market feasibility study for non-student housing, particularly owner-occupied housing, in the proposed overlay zone.

The Centre Regional Planning agency mirrored the State College Planning Commission's comments, he added.

Mayor Welch called for audience participation.

Teresa Sparacino, Executive Director of the Downtown Improvement District (DID), offered the following comments:

- (1) the DID agrees with the overlay district in principle and with the goal of establishing owner-occupied, market-rate housing within the western and northern gateways to the downtown. Dialogue with developers should continue in order to achieve this goal.
- (2) DID agrees with the boundaries, as proposed in the draft;
- (3) the District is adamantly opposed to limiting the floor area ratios and reducing the height of buildings to 45 feet within the proposed boundaries of this district;
- (4) the District would propose that serious thought be given to providing financial incentives and tools in order to achieve the goal of creating owner-occupied, market-rate housing within the proposed district. These incentives should include, but not be limited to, tax increment financing/tax abatement programs, grants/low-interest loans, reduction or waiving of building permit fees, waiving or return of real estate transfer fees, and/or incentive parking programs;
- (5) other criteria set forth in this ordinance needs to be reviewed more thoroughly. Those would include, but not be limited to, front yard setbacks, developing alleyways for pedestrian uses, requiring public space areas, etc.; and
- (6) the District would request the discussion of overlay districts continue and market-rate housing continued to be seriously pursued. No changes should occur with respect to the lowering of FARs or decreased building heights within the boundaries of the proposed district.

Bob Fogelsanger, an owner of Balfurd's, said the impact of this ordinance would significantly devalue their property, by over \$1 million, and probably devalues other properties. He didn't think other property owners understood the impact of this ordinance and, to his knowledge, have yet to be notified of the potential change. He believed it was critical that they be notified and have an opportunity to voice their opinions. Mr. Fogelsanger did not believe owner-occupied housing or office incentives would work if developers cannot achieve a profit. He noted two members of the subcommittee that worked on ways to achieve landmark buildings tried to make the suggested numbers work and couldn't without federal or state assistance. He thought it was good to offer incentives but suggested Council not begin with disincentives. Mr. Fogelsanger considered the ordinance as discriminating towards students because it lowers the floor area ratios by 150 percent. He felt the University and students influence all businesses and townspeople directly or indirectly. He conceded that students do cause some problems but the small issues they cause are insignificant when compared to the benefits they bring to the community. Mr. Fogelsanger thought Council should not force developers to risk losing money on an unproven idea. Businessmen look for returns on their investments, which is how businesses stay in business. He wondered if there is a demand for office space or condominiums. The last owner-occupied project (the Towers) had problems selling space. If there is a demand, developers need to be convinced with surveys and data. Mr. Fogelsanger was of the opinion that the streetscape surrounding his properties worked well for student housing. The land is surrounded by student housing that is higher and students are more tolerant of the noisy fire station across the street. Mr. Fogelsanger believed the many unsolved issues in the proposed ordinance are troubling, and the Borough and Centre Regional Planning Commissions agreed by voting unanimously to recommend Council not adopt the ordinance but return it to them for a major rewrite. Mr. Fogelsanger suggested this ordinance apply to all property in the central business district, not just two areas. Buffer zones should separate these uses. With the input of developers, Council, the planning agencies, and the community, incentives, variances, and case-by-case reviews, it could work to create a more vibrant downtown, he thought. Mr. Fogelsanger considered the Poole and Nicholas families [*potential purchasers of the Balfurd properties*] pillars of the community, people who would not build anything that would be a detriment to the aesthetics of State College. He pointed out that Fred Nicholas built *Nicholas Towers* on Pugh Street and he felt a similar building at the corner of Atherton and Beaver would enhance the area. Mr. Fogelsanger asked Council to, at its

September 20 meeting, move to withdraw this proposal and return it to the Planning Commission. This action, he said, would permit more time for discussion and allow Balfurds to meet their October 20 settlement date. He ended by urging Council to kill the current version of the ordinance amendment.

Scott Fogelsanger, the senior owner of Balfurds, said the properties they purchased over the years were appraised based on the best use for that land. The best use of that land has always been student housing. Appraisers calculate the best return for the best use of the property and that determines the selling price. A lot of money was expended to purchase these lots and, if these regulations are approved, about \$1 million will be lost to a concept that nobody wants. Mr. Fogelsanger did not believe the land could be used to rent or sell to adult wage earners because it is on a busy corner, student housing surrounds the area, and it is across the street from the central fire station.

John Haas, Architect, 1301 North Atherton Street, reviewed the ordinance and pointed out technical deficiencies such as:

on Page 2 §3(a) states that *all buildings walls must be modulated*. He felt *modulated* should be defined to explain its use in this context.

on Page 2 §7 the language should specify if the stepback is on one side of the building or on all sides of the building.

on Page 2 §9(a), the first sentence requires *all alley frontages to be devoted to pedestrian-oriented uses*. Mr. Haas felt there is not enough pedestrian activity in this overlay zone to support pedestrian-oriented retail. He believed they were designed to and should be maintained as service accesses.

on Page 2 §9(a), the last sentence states *the applicant and any successor in title to the property shall maintain pedestrian-oriented uses in all street and alley frontages*. Later in §(c) it says *...proposals for owner-occupied residential shall include a restrictive covenant designed to require long-term owner-occupancy*. These requirements completely ignore market conditions, which are subject to change. This is a disincentive to developers who would be locked in without alternatives to respond to market conditions.

Page 3 §10 simply states *other conditions deemed relevant by Council*. If a developer meets all other conditions, Council could reject any plan. The language is vague and, he believed, would discourage development.

Mr. Haas believed the *Downtown Plan* is well intentioned but the failure to consider market conditions could result in constrained or eliminated development. This would lead to the dilapidation of buildings and the decay of neighborhoods—the opposite intent of rejuvenating the downtown.

Ron Lucas, Attorney representing the Fogelsanger family, encouraged Council not to enact the ordinance and return the concept to the Planning Commission for reconsideration. His reasons were:

The ordinance reduces floor area ratios (FAR) significantly, which impacts on all of the properties within the overlay zone. It returns certain FARs but only when based upon rental or owner-occupied housing. Mr. Lucas believed that zoning regulations may deal only with the use of land—not ownership.

While it is proper to require open space, he did not believe it is legal to require that open space to be public space. His opinion was based, he said, on a Supreme Court case determination where it was declared an invasion of an individual's private property right to exclude anyone from accessing their property.

While reasonable conditional uses are provided for in the Municipalities Planning Code (MPC), some of those conditions set out in the proposal have to be reviewed:

Courts have decided that conditions have to be based on standards in the zoning ordinance or standards greater than what is included in the ordinance so that applicants know what conditions may be imposed upon them when they are planning a development.

The MPC also says that those conditions must implement the purposes of the Planning Code through the Act in the ordinance, so simply stating *other conditions deemed relevant by Council* is not sufficient to meet that purpose.

He did not believe the procedures set out for considering a conditional use follows recent amendments to the MPC. As stated now, the MPC requires a public hearing be held within 60 days of receipt of the application and a decision on the submitted plan made within 45 days of the hearing.

Mr. Lucas also pointed out that the MPC requires that, whenever there is a zoning map change, property owners must be notified by first-class mail 30 days prior to the public hearing. Notice was mailed to these property owners last week, which is not 30 days. It's true that nothing in the ordinance states that the zoning map is being amended but there is a map included describing a specific new zone that will be affected by this legislation.

Mr. Lucas requested that, on September 20, Council terminate consideration of this ordinance and return the concept to the Planning Commission for further consideration, assigning that group the responsibility of preparing a new ordinance to implement the vision for this area.

Patrick Vernon, a resident of Lemont who owns rentals in the Borough in the area of Burrowes and Foster, requested the overlay district be extended to include his properties so that he may develop his rentals into owner-occupied housing.

There being no others to testify, Mayor Welch returned the subject to the table.

Upon motion of Mr. Meyer, second by Ms. Dauler, Council voted unanimously to table consideration of this amendment pending further review at its meeting on September 13 and to take action on the proposal at its meeting on September 20.

## **CONSENT ITEMS**

**Special Activity: Life Chain**. The first item of Consent was to take action on a request to use sidewalks to form a "life chain."

Mr. Fontaine advised that the Centre County Citizens Concerned for Human Life are asking for permission to form a life chain along the sidewalks of Beaver Avenue (Sparks Street to Buckhout Street) and Buckhout Street (from Metz Avenue to the Borough line). The chain is to occur on October 3, from 1:45 until 3:00 p.m.

Upon motion of Ms. Knauer, second by Ms. Goreham, Council voted 7-0-0 to permit the use of those sidewalks for this activity as long as the participants do not block the sidewalk to passersby, do not block driveways to buildings along these streets, and do not block entrances to any buildings abutting the sidewalks.

**Special Activity: Halloween Parade**. The next item was to take action on a request to use College Avenue, Allen Street, and West Foster Avenue to conduct the annual Halloween parade.

Mr. Fontaine described an application from the Centre Region Parks & Recreation Department asking to use College Avenue, Allen Street, and West Foster Avenue to conduct the annual Halloween parade on October 28, from 6:00 to 8:30 p.m.

Upon motion of Ms. Knauer, second by Ms. Goreham, Council voted 7-0-0 to permit the use of the streets, as described, for this purpose.

**Special Activity: Fairway Road Block Party.** The only other item of Consent was a request to use a portion of Fairway Road for a neighborhood block party.

Mr. Fountaine explained an application to use Fairway Road, Ridge Avenue to Hillcrest Avenue, for a block party. The party is to be held on September 12, between the hours of 5:00 and 8:00 p.m. Mayor Welch added that the activity is being held in memory of Ruth Fergus.

Upon motion of Ms. Knauer, second by Ms. Goreham, Council voted 7-0-0 to permit the use Fairway Road, as described, for this purpose.

## **OLD BUSINESS ITEMS**

### **Zoning Ordinance: Amendment to Adjust Building Heights in ROA and R3H Districts.**

The first item of Old Business was to enact an ordinance to adjust the allowable height of buildings in the ROA and R3H districts.

On August 16, Council conducted a public hearing on a proposal to adjust the allowable height of buildings in the ROA and R3H districts, Mr. Fountaine said, and authorized publication of its intent to enact the ordinance at this meeting. Currently, new buildings are required to be no more or less than 20 percent of the average height of the first two adjacent buildings on either side of it. It is proposed to change that regulation to allow 35 feet, the maximum height permitted in these districts, to be used in the calculation whenever a building used in the calculation exceeds 35 feet in height rather than its actual height, and to change the percentage to 30 percent of the average. He noted that no one spoke in opposition to the amendment at the hearing.

Ms. Knauer moved to enact Ordinance 1794, amending the zoning ordinance to adjust the allowable height of buildings, as described. Mr. Daubert seconded her motion, and it was approved unanimously.

**Urban Village District: Scope of Work to be Studied.** Council was next asked to expand the scope of work to be performed by a consultant who is studying the urban village district.

At its April 19 meeting, Mr. Fountaine recalled, Council directed the Planning Commission to prepare a plan to address future development and improvements in the UV district in a comprehensive manner. One component of this master plan is a market feasibility study to guide the preparation of a future land use plan in the UV district. The firm that makes the successful offer will work with the Borough to prepare a market feasibility study, as outlined in the scope of work. A new scope of work, modified from the previous version, was prepared to incorporate land in Ferguson Township into the study area. The Planning Commission prepared a scope of work for the study and is requesting Council's authorization to proceed with the letting of a Request for Proposals (RFP) for this service. Planning staff is also proposing that the Borough form a subcommittee of the Borough's and Ferguson's planning commissions to review proposals submitted by consultants, conduct any interviews that may be necessary, make a recommendation on the best candidate, and work with the consultant throughout the market study.

Mr. Kern moved to authorize staff to advertise for a consultant to perform this work and to approve the formation of a committee to perform those duties outlined above. Ms. Dauler seconded his motion.

At Council's request, Mr. Hess explained the area to be studied and detailed the duties to be performed by the consultant. Those duties are to:

- provide a statement of the assumptions on which the market feasibility study will be based including, but not limited to, the following factors:
  - build out and mix of uses on west campus;
  - total day and night time population of west campus and the UV;
  - demographic characteristics of these day and night populations;
    - impact of redevelopment in the western edge of the downtown commercial district; and

- potential redevelopment of commercially-zoned land along West College Avenue in Ferguson Township from the edge of the UV zoning district to Blue Course Drive;
- define a vision of how the study area could develop;
- identify the market area for non-residential uses in the UV district;
- prepare a market assessment and feasibility study of demand for non-residential and residential uses in the UV district and immediate adjacent area within Ferguson Township;
- identify barriers to non-residential development in the study area;
- provide recommendations to the Planning Commission on a future land use and development plan for the UV district and immediate adjacent area within Ferguson Township; and
- provide recommendations n financial and other incentives that may be needed to realize the desired outcomes.

Mr. Daubert questioned the cost of the study. Mr. Fontaine answered that the Borough is applying for grant money and Ferguson Township is contributing; an actual cost is unknown.

Mr. Kern said, in his business, he frequently responds to these types of RFPs. He considered this one inadequate in that it is not specific as to what is expected, it has no timeframe, nor does it provide information on the kind of report that Council is looking for.

Ms. Knauer was concerned that the consultant would return with exactly what others in this area are saying should be done in that district, rather than providing an innovative approach to achieve Council's vision for the area. Mr. Hess said he hoped the project would attract a consultant with fresh ideas from another university community. Ms. Knauer pointed out that, in her experience, what is occurring in other college towns is not good.

When the question was called, Council voted 6-1-0 to approve the motion; Ms. Knauer voted against it.

### **Bicycle Lanes...On Garner Street**

The only other item of Old Business was to consider a proposal to establish bicycle lanes on Garner Street and relocate the commuter parking.

Mr. Fontaine reported that, at its May 25 meeting, the Transportation Commission voted unanimously to recommend Council authorize the painting of bicycle lanes on both sides of Garner Street from Beaver Avenue to Easterly Parkway. Council considered the Commission's recommendation at their July 19 meeting and tabled the item pending further review. A detailed report on the bicycle lanes, prepared by the Public Works Director, was given to Council. His report outlined the changes in parking in order to facilitate the Garner Street bicycle lane proposal. In his report, the Director recommended the commuter parking on Garner Street, between Foster and Prospect Avenues, be relocated to East Fairmount Avenue, from Locust Lane to Garner Street, and that the R1 and R permit parking on Garner (from Fairmount Avenue to Easterly Parkway) be eliminated.

Ms. Knauer moved to receive the Public Works Director's report and, based on his and the Transportation Commission's recommendations, (1) authorize the painting of bicycle lanes on Garner Street from Easterly Parkway to Foster Avenue as part of the Garner Street reconstruction project; (2) establish the bicycle lanes on a 1-year trial basis; (3) require staff and the Transportation Commission to measure the affects of the lanes in terms of vehicle speed, pedestrian safety, and number of bicycles using the roadway; (4) authorize the relocation of commuter parking from Garner Street to Fairmount Avenue, Locust Lane to Garner Street; and (5) eliminate the R1 and R permit parking zones on Garner Street, from Fairmount Avenue to Easterly Parkway. Ms. Dauler seconded the motion.

Mr. Daubert felt the commuter parking should also be eliminated because the inability of motorists to use those spaces during the past several months showed there is no need for it, patients need the on-street spaces to frequent a doctors' office in the vicinity, people who live along Garner have no place for guests to park, and Council should not be providing cheap parking that encourages motorists not to pay the market rate for parking.

Ms. Knauer moved to amend the motion to eliminate No. 4, thereby eliminating the commuter parking on Garner Street (without replacing it). Ms. Dauler seconded her motion, and it carried unanimously.

Ms. Goreham read correspondence from a member of the Bike Coalition who suggested the experiment period be extended to more than a year, but Council did not make this part of any motion.

Mr. Kern wondered if Garner Street was the best route for bicyclists. He rarely saw bicyclists on Garner yet a lot use Allen and Pugh Streets. Christopher J. Falzone, Chair of the Transportation Commission residing at 517 East Foster Avenue, felt Garner is not being used because it needs the protection of a dedicated bike lane. Mr. Whitfield explained that Garner was chosen for this bike lane because it connects to the Atherton Street bicycle path. Rick O. Gilmore, a member of the Transportation Commission residing at 608 East Prospect Avenue, also pointed out that Garner is wide enough to accommodate both vehicles and bicycles.

Mr. Daubert asked about the potential interference from delivery vehicles. Mr. King said it was his understanding that any vehicle stopped in a bike lane is subject to ticket.

Michael A. Turns, 445 Waupelani Drive, advocated a dedicated lane for bicyclists on Allen Street because it requires the least expenditure of energy to get to campus from the south. If a path is created, he thought it may alert motorists to look for bike traffic before pulling onto Allen.

Kevin Gombotz, 331 East Foster Avenue, found Garner Street to be a good and necessary route for bicyclists and thanked Council for its foresight.

Council voted unanimously to approve Ms. Knauer's motion, as amended.

## **NEW BUSINESS ITEMS**

**Utility Relocation Agreement: Columbia Gas of Pennsylvania.** The first item of New Business was to consider an agreement with Columbia Gas to relocate utilities in conjunction with the construction of the Beaver Avenue parking garage.

Mr. Fontaine informed Council that Columbia Gas has submitted a proposal for engineering and relocation work associated with the Beaver Avenue parking garage. The agreement covers work to abandon the existing main in Highland Alley from Fraser Street to F Alley and place a new gas main along Fraser Street to a point 10 feet north of the south property line of 230 South Fraser Street, turn west to run to F Alley, then turn north to meet the existing main at Highland Alley. The estimate for this work is \$22,781.00, an amount that is within that budgeted for this work. Prior to beginning, Columbia Gas requires the agreement be executed and the estimated amount be paid. A final cost will be determined once the work is complete. In response to Mr. Daubert's objection that the agreement contains no completion date, Mr. Fontaine said the utility companies are aware of the Borough's schedule and will work diligently to prevent any delays.

Upon motion of Ms. Goreham, second by Mr. Kern, Council voted 7-0-0 to approve the execution of the agreement.

**Utility Relocation Agreement: D&E Communications.** Council was next asked to consider executing an agreement with D&E Communications to relocate utilities in conjunction with the construction of the Beaver Avenue parking garage.

Mr. Fontaine described a proposal for engineering and relocation work submitted by D&E Communications in association with the construction of the Beaver Avenue parking garage. D&E's agreement covers the removal of existing overhead utilities and the relocation and/or replacement of existing lines to maintain existing service. The estimate for this work is \$18,200.00, an amount that is within the allocation approved for this work. Prior to beginning any work, D&E requires the agreement be executed and the estimated amount be paid. A final cost will be determined once the work is complete.

Upon motion of Ms. Dauler, second by Mr. Humphrey, Council voted unanimously to approve the execution of the agreement.

**Utility Relocation Agreement: Adelpia, Incorporated.** Next, Council was asked to consider authorizing Adelpia, Incorporated, to relocate utilities in conjunction with the construction of the Beaver Avenue parking garage.

Mr. Fontaine advised that Adelpia submitted an estimate for engineering and relocation work associated with the construction of the Beaver parking garage. Adelpia's relocation work will include relocating fiber optic cable and coaxial cable from overhead lines to underground facilities to be built as part of the garage project. The estimate for this work is \$23,654.00, which must be paid in advance.

Mr. Meyer moved to approve the payment of \$23,654.00 to Adelpia to perform this work. Ms. Dauler seconded his motion, and it carried unanimously.

**Beaver Avenue Garage: Testing/Inspection Service Agreement.** The next item was to consider retaining a construction materials testing and inspection service in conjunction with the construction of the Beaver Avenue parking garage.

Mr. Fontaine reported that CMT Laboratories, Incorporated, of State College submitted a proposal to provide construction material testing and inspection services in conjunction with the construction of the Beaver Avenue garage. Services include compaction, soils, structural steel, and concrete testing as well as geotechnical inspections. The estimated total price for these services, based on estimated quantities for the project, is \$25,235.00. This price could vary, depending on contractor performance and scheduling. He mentioned that the estimate is within the budget approved for this project.

Ms. Dauler moved to approve an agreement with CMT Laboratories for materials testing and inspection work associated with the construction of the Beaver Avenue parking garage. Mr. Meyer seconded her motion, and it was approved unanimously.

**Recycling Rebate: Return to Solid Waste Authority.** The last item of New Business was to consider returning the Borough's recycling rebate to the Centre County Solid Waste Authority to fund special collection programs.

In March 2004, Mr. Fontaine said, the Centre County Solid Waste Authority returned \$21,961.80 to the Borough as a rebate for 2003 recycling collection costs. The Centre Region Council of Governments' (COG) Public Services Committee also received a recycling rebate, in the amount of \$24,856. COG's rebate was for residential recycling and did not include commercial collections. In April 2004, the COG Public Service Committee took action to return its rebate for future special collection programs, such as the Household Hazardous Waste Collection Program or the E-Cycle Collection Program (for computers and electronic equipment). That Committee also took action to return all future rebates from the Authority to assist in funding special collection programs. In 2001 and 2003, the Borough returned a portion of a similar recycling rebate to fund a household hazardous waste collection program conducted by the Centre County Local Emergency Planning Committee. Because the events were being sponsored for homeowners, and were not advertised for commercial or industrial entities, Council members voted to return only that portion of the rebate that could be identified as resulting from residential recycling. In addition, a 1978 Court requires the Borough to account for residential and commercial collections separately. The County's rebate is based on the collection of all recyclable collection in the Borough, both residential and commercial. Based on the numbers provided by the County, 823 tons of residential recycling was collected (31.68 percent of the rebate), or \$6,957.50.

Ms. Dauler moved to return \$6,957.50 of the Borough's recycling rebate to the Solid Waste Authority as the Borough's contribution toward a future special collection program, such as the hazardous waste collection or e-cycle program. Mr. Humphrey seconded her motion, and it was approved unanimously.

Ms. Goreham moved to, each year in the future, charge staff with calculating the appropriate portion attributable to residential recycling and return that sum automatically to the Solid Waste Authority for special collection programs. Ms. Knauer seconded her motion. Before Council approved Ms. Goreham's motion, Mr. Whitfield suggested he be allowed to frame a resolution for adoption by Council to effect Ms. Goreham's motion. Mr. Meyer wanted the motion to stipulate that the money would not be returned to the Authority if other municipalities in the Centre Region discontinued the practice. Ms. Goreham withdrew her motion and moved to charge staff with the preparation of a resolution for consideration by Council. Ms. Knauer seconded her motion and it was approved by consensus.

## **OFFICIAL REPORTS AND CORRESPONDENCE**

**Mayor's Report.** Mayor Welch said he accepted, on behalf of the community, the public use of the band shell at the South Hills Business School, in perpetuity. He noted that Paul and Marilyn Mazza have been sponsoring Sunday evening community picnics and music for the past 15 years. He thought it was typically public spirited of them to allow any performing arts group to utilize this facility.

**President's Report.** President Daubert announced a short executive session, being held following this meeting to discuss pending litigation.

**Liaison Reports.** Ms. Knauer noted that the Design Review Board reviewed plans for the Altoona Diocese' structure in College Heights. The project, she said, remains a matter of controversy among the residents of that neighborhood.

**Staff/Committee Reports.** Mr. Fontaine informed Council that Centre County will hold a meeting on September 9 at 7:00 p.m. in the Willowbank Building to review the Hazard Mitigation Plan. The public is encouraged to attend. He noted that the Plan will be a subject for Council's consideration in the coming months.

**Garner Street Reconstruction.** At Mr. Daubert's request, Ms. Story said that, weather permitting, final paving of Garner Street will be completed on Friday of this week.

There being no other business to come before Council, the meeting was adjourned at 9:13 p.m.

Respectfully submitted,

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Barbara J. Natalie  
Assistant Borough Secretary