

State College Borough Council
August 16, 2004

The State College Borough Council met on August 16, 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 [*arrived late*]
Janet K. Knauer

Absent: 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; Mark A. Whitfield, Director of Public Works; Mark S. Henry, Health Officer; Carl R. Hess, Planning Director; Herman L. Slaybaugh, Zoning Officer; 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.

Walnut Springs Park. Robert R. Rightmyer, 785 Walnut Spring Lane, asked about the status of the Walnut Springs Park master plan. Mr. Fountaine advised that a request for proposals is being drafted to design the plan; that should be ready in October, 2004.

PUBLIC HEARINGS

Height in ROA and R3H. The only item set aside specifically to receive public input was a proposal to adjust the allowable height of buildings and building additions in the ROA and R3H zoning districts.

In May, Mr. Fountaine said, the Planning Commission reviewed height regulations in the ROA and R3H zoning districts and recommended a modification. The suggestion arose during the review of a recent development plan which proposed a new building between a very high building and a lower building. Currently, the height of any new building is required to be within 20 percent above or below the average height as calculated using the first two buildings located on either side of it. In this particular case, the adjacent high building skewed the average, forcing the developer to build higher than he had intended. The proposed amendment corrects the problem by using 35 feet (maximum height permitted in the zoning district) rather than using a higher building's actual height in the calculation. Also recommended by the Commission was to increase the height range from 20 to 30 percent of the average calculated. He noted that staff supported the amendment, believing its adoption would result in a clearer and better ordinance with more flexibility. Council received the Commission's recommendations on July 19 and scheduled this hearing.

Mayor Welch called for audience participation. There being no one to address Council on this subject, he returned it to Council.

Ms. Knauer moved to authorize publication of Council's intent to enact this amendment on September 7, 2004. Mr. Humphrey seconded her motion, and it was approved by a vote of 5-0-0.

CONSENT ITEMS

Upon motion of Ms. Knauer, second by Ms. Dauler, Council voted unanimously to approve the following consent items:

Knights of Columbus' (KOC) Race on October 24. Permission was granted to use various streets in the Greentrees Subdivision to hold the KOC's 14th annual 5-kilometer race on October 10 from 2:00 to 3:00 p.m. Proceeds from the race will be used to benefit the Schlow Memorial Library Children's Department and the Tom Kleban Recovery Fund.

Block Party on High Street. Council approved the use of High Street from Foster Avenue to Holly Alley for a block party on August 28, from 4:00 to 8:00 p.m. [Rain date: August 29.]

ABCs: Membership. Council accepted, with regret, a resignation from Donald Sherman, Council's representative on the Centre Area Transportation Authority. Mr. Sherman asked that his resignation become effective on the 1st day of November, and Council agreed to his request.

Walk/Run to Benefit the State Theater. Contingent upon concurrence by PaDOT, the north side of College Avenue, from the Centre Furnace Mansion to the State Theater, will be used to conduct a race/walk to raise money for the Theater. The activity will take place on September 25 from 9:00 to 10:15 a.m.

Block Party on Hiester Street. Permission was given to use Hiester Street to conduct a block party on September 25 from 11:00 a.m. until 8:00 p.m. The party is to include a number of bands, a barbeque, and other activities.

Insurance Amount Certified to the State. Council enacted an unnumbered resolution certifying that the Borough and the Borough's Sewer Authority carries sufficient insurance. Because the Borough is a subdivision of the state government, this certification is an annual requirement of the Pennsylvania Department of Transportation.

State High Football Overflow Seating. Approval was granted to the State College Area School District to put spectator bleachers in Central Parklet during the September 17 and September 24 high school football games. Overflow seating is required to accommodate attendees at a rededication of Memorial Field on the 17th and for the Altoona game, being held on September 24. Approval was made contingent upon the School District repairing any damage to the grounds caused by the bleachers.

Land Exchange with the State College Presbyterian Church. Members authorized the President of Council to execute an agreement with the State College Presbyterian Church to swap 200 West Beaver Avenue (the surface lot at the southwest corner of Beaver and Fraser) for 118 West Beaver Avenue (a portion of a surface parking lot to the east of the church) and, to balance the exchange, pay a differential fee based on an appraisal of the two parcels. The Agreement is necessary to facilitate the construction of the Beaver Avenue parking garage and is dependent on the Parking Authority ratifying the exchange.

BIDS/CONTRACTS/AGREEMENTS

Project 1B-2004. The only item of this category was to take action on bids received for Project 1B-2004, curbs and gutters.

Mr. Fountaine reported that bids for Project 1B were opened on August 3. Project 1B consists of the replacement of approximately 3,355 linear feet of concrete curb and gutter. The availability of bid specifications was advertised in accordance with the Purchasing

Ordinance. Three contractors expressed an interest in doing the work, and all three made offers:

Haranin Construction Company, Inc.	\$150,928.75*
Henry I. Haranin, President Bellefonte, PA	
Paradise Contracting, LLP	\$171,593.00
Mark Campolongo, Partner Bellefonte, PA	
Glenn O. Hawbaker, Inc.	\$173,556.25
Daniel R. Hawbaker, President State College, PA	

* Denotes mathematical error corrected by staff

Funding for the project is available in Account 30-439-455. The substantial completion deadline for the project, Mr. Fontaine said, is October 15, with a final completion deadline of October 29, 2004. Streets included in this project are:

Hamilton Avenue from Pugh Street to Locust Lane
William Street from Nimitz Avenue to Bradley Avenue
Bradley Avenue from Pugh Street to William Street
Science Street from Atherton Street to Marylyn Avenue

Upon motion of Ms. Dauler, second by Ms. Knauer, Council voted 5-0-0 to award the contract for Project 1B to Haranin Construction Company, Incorporated, the low bidder, in the amount of \$150,928.75.

NEW BUSINESS ITEMS

Ordinance Enforcement Report: 2nd Quarter 2004. The first item of New Business was to receive the Health Officer's ordinance enforcement report for the second quarter of 2004.

Mr. Kern arrived at the meeting.

Mr. Henry presented the report to Council and responded to Mr. Daubert's question regarding the Borough's ability to cut grass when a property owner fails to do so. After hearing that the Borough may cut only after a third violation has been issued, Mr. Daubert felt it may be time to review the sequence of events surrounding the enforcement of this ordinance.

Ms. Knauer moved to receive the report. Ms. Dauler seconded her motion and it was approved by a vote of 6-0-0.

Parking on Willard Street. Next, Council was asked to amend the Vehicle & Traffic Ordinance to prohibit parking on Willard Street.

Mr. Fontaine explained that Willard Street connects College Heights with the Winston Subdivision, part of which is in the Borough and part of which is in Ferguson Township. This subdivision was designed with a narrower cartway to reduce the amount of impervious area as well as create a "lane" style street. When the 22-foot cartway was approved, it was agreed that parking on it would be prohibited. The infrastructure has been constructed and lots sold, but signs prohibiting parking were never installed. Council is being asked to approve the installation of those signs by enacting an enabling ordinance. Ferguson Township, he added, will be posting that portion of the street that is in the Township.

Because the street lies within two municipalities, Ms. Dauler asked which would enforce the ordinances. Chief King thought the Borough and Ferguson Township police would share that responsibility but he intended to verify the legality of that assumption with the District Attorney.

Ms. Knauer moved to enact Ordinance 1793, amending the Vehicle & Traffic Ordinance to prohibit parking on Willard Street. Ms. Dauler seconded her motion and it carried by a vote of 6-0-0.

COG 2005 Program Plan. The only other item of New Business was to prepare comments on the 2005 Centre Region Council of Governments' (COG) Program Plan.

On August 9, Mr. Fontaine said, Council discussed several specific questions related to the COG Program Plan. Based on Council's previous discussions of the questions asked by COG, the following comments were developed by staff:

- (1) How should the participation of Ferguson and Halfmoon Townships in the regional library program be addressed? *Ferguson and Halfmoon Townships should fund their shares of the regional library budget in 2005.*
- (2) Should a police type sedan be purchased for the Fire Chief? *The Plan should provide for a police-type sedan for the Fire Chief.*
- (3) Should funding be provided for the Oak Hall park property? Millbrook Marsh Nature Center? Regional swimming pools? *No funding should be provided in the 2005 budget for the Oak Hall park property, Millbrook Marsh Nature Center, or regional swimming pools.*
- (4) How should the fiscal implications of extending code administration services to Penn State be shown? Should staff prepare a separate budget? *A separate budget should be prepared to provide code administration services to Penn State.*
- (5) Should the Program Plan propose a recommendation for funding the update to the Act 537 Sewage Facilities Plan? *A recommendation for funding the update should be included in the budget.*
- (6) Should the sunset date for the eastern Inner Loop project be extended from December 31, 2004 to December 31, 2005? *The sunset date for the eastern Inner Loop project should not be extended.*
- (7) Does Council agree that one full-time building inspector, one part-time library staff person and two seasonal parks employees should be hired? *Council agrees that one full-time building inspector, one part-time library staff person, and two seasonal park employees should be hired.*

Mr. Kern moved to approve submission of the comments, as prepared by staff. Mr. Humphrey seconded his motion.

Mr. Daubert suggested that all text on Pages 185 and 186 of the Program Plan (*Pools Capital funding and schedule for construction*) be eliminated until the General Forum has determined what is to take place with the existing Welch Pool.

To make it clear that Council did not oppose existing funding related to the Millbrook Marsh Nature Center or the Oak Hall park but did object to additional funds being added in 2005, Mr. Kern withdrew and restated his motion to verify that Council agrees with the assumptions outlined in the COG Finance Committee's report—with the exception of Number 6, which Council opposes. Ms. Knauer supported the restated motion, and it was approved unanimously.

Mr. Daubert moved to suggest that all text relating to the capital funding and scheduled construction of pools on Pages 185 and 186 of the Program Plan be eliminated until such time as COG has determined what is to happen with the existing Welch Pool. Ms. Knauer seconded the motion, and it was approved unanimously.

VOUCHERS. Upon motion of Ms. Knauer, second by Ms. Dauler, Council voted 6-0-0 to receive vouchers for the month of July, 2004 for the Borough of State College, in amount \$3,296,130.74, and, acting as agent for the COG, vouchers totaling \$855,818.49.

MINUTES. Upon motion of Ms. Dauler, second by Mr. Humphrey, Council voted unanimously to approve minutes of previous meetings, as follows and as submitted:

- A. Work Session, June 14, 2004;
- B. Regular Meeting, June 21, 2004; and
- C. Regular Meeting, July 6, 2004.

OFFICIAL REPORTS AND CORRESPONDENCE

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

Staff/Committee Reports. Mr. Fontaine reported that extended service hours will be effected in the municipal building lobby starting August 30. The hours will be Monday through Friday, 8:00 a.m. until 10:00 p.m. with service on the traditional seven Saturdays (during the Arts Festival and on Penn State Nittany Lions' home football weekends).

ITEMS OF INFORMATION

Mr. Kern said that he, the Borough Manager, and President of Council will be meeting with Senator Corman to lobby for a Senate vote to allow the Department of Labor and Industry to subcontract code inspections. Lynn Herman's Bill to permit this assignation of powers passed almost unanimously in the House but is now stalled in the Senate.

Ms. Knauer asked what has transpired with the suggestion of siting a coffee cart in the lobby. Mr. Fontaine noted that repeated attempts at bidding the site and individual contacts to local vendors have not produced anyone willing to take on this location. Those who did respond felt there would not be sufficient traffic to make the business profitable.

There being no other business to come before Council, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Barbara J. Natalie
Assistant Borough Secretary