

State College Borough Council
August 2, 2004

The State College Borough Council met on August 2, 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
James H. Meyer

Absent: Janet K. Knauer

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; Alan W. Sam, Arborist; 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.

CONSENT ITEMS:

Trick-Or-Treat Activities. The first item was to designate a date and time for trick-or-treat activities in the Borough.

Mr. Fountaine explained that, each year, the Centre Region Council of Governments' General Forum recommends a date and time for Halloween trick-or-treat activities. That recommendation is reviewed with the Centre Region police chiefs. In keeping with that tradition, the members are recommending October 30, 2004, 6:00 to 8:00 p.m. (prevailing time) as the time and date for this year's activities.

Upon motion of Mr. Kern, second by Ms. Dauler, Council voted 6-0-0 to designate October 30, 6:00 to 8:00 p.m. as the date and time during which trick-or-treat activities may take place in the Borough.

Records. Next, Council was asked to take action to authorize the destruction of certain obsolete records being held in the Health Office.

In accordance with Act 428 of 1968, adopted for use by Council through enactment of Resolution 706 in 1993, Mr. Fountaine said, each individual act of record disposition must be approved by Resolution of the governing body. He distributed a list of obsolete records proposed to be destroyed as well as a Resolution, prepared for enactment by Council, to approve their destruction.

Upon motion of Mr. Kern, second by Ms. Dauler, Council voted unanimously to enact Resolution 860, authorizing the destruction of records as submitted.

Special Activities: Street Bazaar. Council was then asked to take action on a request to use South Allen Street for a downtown street bazaar.

Mr. Fountaine distributed a request from the Downtown Improvement District to close Allen Street, College to Foster, on Saturday, August 7, to conduct the annual street bazaar. The District Director asked to close the street at 6:00 a.m. and to conduct sales until 6:30 p.m.

Upon motion of Mr. Kern, second by Ms. Dauler, Council voted 6-0-0 to approve the use of South Allen Street, as described by the Manager, for this purpose, contingent upon Calder Way remaining open to through traffic.

Special Activities: Vigil for Nagasaki Day. The next item was to consider a request to use sidewalks for a walk.

Mr. Fontaine referred to an application to use sidewalks along the 100 and 200 blocks of South Allen Street to conduct a walk from the Municipal Building to Old Main on Monday, August 9, from 8:30 to 9:00 p.m. The walk, he said, will follow a talk being given in the Municipal Building and precede a vigil at the gates to Old Main to acknowledge Nagasaki Day.

Upon motion of Mr. Kern, second by Ms. Dauler, Council voted unanimously to approve the use of sidewalks for this walk.

County Aid. Next on Council's agenda was a request to approve an application for County Aid.

Mr. Fontaine shared a request submitted by staff for submission of an application for \$36,000.00 of County aid to replace 12 school flashing signals and controllers in four school zones in the Borough. The project total is estimated to cost \$60,158.75. The balance of the cost will be shared equally with the State College Area School District.

Upon motion of Mr. Kern, second by Ms. Dauler, Council voted 6-0-0 to approve submission of the application.

Inter-Municipal Agreement for Joint Articles to Re-establish the Code Administration Agency and the COG Building and Housing Code Board of Appeals. Council was next asked to enact an ordinance authorizing the execution of Joint Articles of Agreement for the re-establishment of the Code Administration Agency and the Centre Region Building and Housing Code Board of Appeals.

Mr. Fontaine explained that Council previously approved new Articles of Agreement for the re-establishment of the Code Administration Agency and for the Building and Housing Code Board of Appeals. The new Articles reflect the inclusion of Halfmoon Township as a participating member of the Code program and the incorporation of provisions of the Commonwealth's Uniform Construction Code (Act 45 of 1999) and the administrative procedures adopted by the Pennsylvania Department of Labor & Industry in Title 34 PA Code Chapters 401 to 405. All inter-local agreements entered into by boroughs, he said, must be accompanied by a supporting ordinance. Because that failed to occur when Council approved the Articles on June 21, he recommended an ordinance be enacted at this time to correct that deficiency.

Upon motion of Mr. Kern, second by Ms. Dauler, Council voted unanimously to enact Ordinance 1792, making legitimate the Joint Articles of Agreement previously approved.

Special Activities: Torch Run for the Keystone State Games. The last item of Consent was to take action on a request to use several downtown streets for a torch run.

Mr. Fontaine passed along a request to use Borough streets to conduct a torch run on August 4, from 9:00 a.m. until 9:45 a.m., in association with the Keystone State Games. None of the streets listed in the course, he said, would be closed at any time.

Upon motion of Mr. Kern, second by Ms. Dauler, Council voted unanimously to approve the request, as submitted.

BIDS/CONTRACTS/AGREEMENTS

Trees: Trimming Contract. The only item of this category was to take action on bids received for contracted pruning services.

Mr. Fountaine informed Council that bids for contracted pruning services were opened on July 23rd. The Borough's request was for proposals (RFP) included pruning in five different sections of the Borough. The availability of bid packages was advertised in accordance with the Purchasing Ordinance. In the RFP, the Borough reserved the right to award each section to the lowest bidder for that section or, because of budgetary constraints, to forego contracts on one or more of the sections. Most of the trees to be pruned, he noted, are located in the College Heights and fraternity areas. Seven Pennsylvania tree trimming service providers expressed an interest in doing the work; two bid on the project:

Block	Number of Trees	Dincher & Dincher Williamsport, PA	Bartlett Tree Service Chambersburg, PA
A	79	\$ 8,170.00	\$ 8,600.00
B	61	3,050.00	4,955.00
C	289	17,605.00	24,960.00
D	83	6,805.00	7,455.00
E	36	2,900.00	3,535.00
Total:	548	\$ 38,530.00	\$ 49,505.00

Mr. Fountaine added that \$35,540.00 is available for this work, in Account 01-455-384.

Mr. Kern moved to award the trimming contract for blocks A, C, D, and E to Dincher & Dincher, in amount \$35,480.00 (eliminating block B). Mr. Humphrey seconded his motion.

Mr. Daubert asked why block B is not being done. Mr. Sam replied that staff wanted to stay within budget and, although the trees in this block were scheduled to be trimmed this year, believed these trees can withstand another year without pruning.

The question was called and Council voted unanimously to approve Mr. Kern's motion.

NEW BUSINESS ITEMS

Centre County Subdivision & Land Development Ordinance: Amendment to Provide Conditions on Developments with Regional Impacts. The first item of New Business was to provide comments on a proposed County ordinance to impose conditions on developments where regional impacts were identified.

Mr. Fountaine distributed a proposed amendment to Section XI of the County's Subdivision and Land Development Ordinance, which provides conditions on certain developments that would have regional impacts. The criteria included in the ordinance concerns the character, magnitude, and location of developments and is to be used to determine if a proposal is a development of regional significance. The ordinance will only apply to plans that are reviewed under the County's Subdivision and Land Development Ordinance, he said, and would not affect municipalities that have their own subdivision and land development ordinances and review procedures. The Municipalities Planning Code requires that County, regional, and municipal planning policies ensure development is compatible with the existing and proposed development in contiguous municipalities. The County's existing ordinance does not specifically address plans that may have impacts beyond municipal boundaries; therefore, the County has no guidelines for reviewing such plans and an applicant has no expectation of what conditions may be required. The intent of the ordinance is to provide guidelines and detail plan submission requirements, and to implement strategies to mitigate impacts for plans reviewed by the County. This amendment does not identify where land uses are permitted to occur; those decisions will remain with local officials. This ordinance is intended to identify potential impacts and develop a plan to mitigate those impacts. Many of the elements of this ordinance are things that the County normally asks for but does not require. Staff reviewed the ordinance and forwarded its comments to Council for review. Comments to the County, he noted, were requested by August 9.

Ms. Goreham moved to use staff's comments on the proposed amendment as Council's own and direct staff to forward them to the County. Mr. Kern seconded her motion.

Mr. Daubert inquired about the consideration process, and Mr. Hess said the comments will be reviewed by the Centre County Planning Commission, and it will recommend a final ordinance to the County Commissioners.

Members of Council voted 6-0-0 to approve Ms. Goreham's motion.

Zoning Ordinance: Amendment to Overlay Subdistricts 7 and 8 of the Downtown Plan.

The only other item of New Business was to consider a proposal to overlay subdistricts 7 and 8 of the Downtown Vision & Strategic Plan.

Mr. Fontaine reminded Council that the Vision & Strategic Plan for downtown State College identified a number of locations where the construction of landmark buildings should be pursued. A number of these locations are in subdistricts 7 and 8 of the Plan. In addition to the landmark building sites, the Plan suggested a list of uses that should be the focus of future development in subdistricts 7 and 8 and suggested complementary designs be implemented among these landmark buildings. Planning staff prepared a draft overlay amendment applicable to those two subdistricts. Using a conditional use permit approach, the intent of the amendment is to implement the downtown Plan's recommendations on use, design, and urban public spaces in subdistricts 7 and 8. Operationally, the amendment reduces the allowable floor area ratio for residential uses to 1.0 (from its current 2.5) and building height to 4 stories under base zoning conditions. Through the conditional use permit process, the ordinance allows increases in the floor area ratio for residential, with a greater increase for owner-occupied residential, and increased building height (to a maximum of 80 feet) in return for improved amenities, mixed use, and improved design. To the extent feasible, the language in the overlay amendment was lifted from the Downtown Plan. This was done to ensure consistency with this planning document. Language related to building design tends toward the general to allow individual design professionals a large degree of latitude to work with the opportunities and constraints of individual sites. Mr. Fontaine mentioned that, should Council decide to adopt this amendment, it will be necessary to revise several other sections of the zoning ordinance. Staff is in the process of preparing these amendments and requests Council authorize the incorporation of other changes as part of the amendment that will be referred to the reviewing agencies.

Mr. Kern moved to (1) set a public hearing on the proposed amendment for the September 7 Council meeting and (2) refer the proposal to the appropriate planning agencies and the ad hoc Downtown Committee of the Planning Commission and Downtown State College Improvement District for review and comment. Ms. Dauler seconded his motion.

Responding to Mr. Humphrey's question about minimums and maximums, Mr. Kern said the overlay avoids minimums and maximums but permits developers to negotiate a higher or larger building by offering features that would not otherwise be required but would achieve a landmark structure. Mr. Daubert wondered why the overlay encompassed so much land. Mr. Hess replied it is because the drafters of the Vision Plan foresee a consolidation of lots to make these buildings both attractive and efficient. Mayor Welch asked if the incentives being offered to the developers were enough to allow a profit. Mr. Fontaine said they hoped so; if not, Council should hear about that during the review process. Mr. Hess admitted that developers have testified that student housing provides the best return on their investment.

Mr. Meyer saw this amendment as a major change in zoning and wanted to discuss the details of it (e.g. setbacks, permitted construction materials) prior to holding the public hearing; otherwise, any changes made would require additional hearings, confuse the issue, and, over time, decrease the sustainability of a valid ordinance. He wondered why Council was rushing it through and not following the normal process of discussion prior to a public hearing. Mr. Kern disagreed that this was being rushed; this Plan is one of the tools Council agreed to move forward with when it was adopted. Ms. Dauler agreed with Mr. Kern. She felt that, if anything, Council's introduction to this part of the Plan has been slow. Ms. Goreham thought that all of Council was in agreement with the Vision Plan and with implementing its recommendations. Mr. Meyer replied that he would prefer an amendment that is closer to passage before it is presented to the public for their comments. Answering Mr. Kern, Mr. Williams counseled that publication of the hearing notice will trigger the pending ordinance rule. Mr. Kern then asked that his motion stand, as stated.

Mayor Welch called the question and Council voted 5-1-0 to approve Mr. Kern's motion. Mr. Meyer voted against it. Mr. Meyer asked to have all affected property owners notified of the proposed changes and of the hearing date and time. Mr. Fountaine said the notices would be provided.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. President Daubert asked Council to come to the August 9 meeting prepared with a list of subjects they would like to see on upcoming agendas. He also warned members that Council's meeting on August 30 would be several hours long.

Liaison Reports. Mr. Humphrey, liaison to the Centre Region Parks & Recreation Authority, informed Council that the Authority is discussing the creation of a committee to deal with the possible relocation, repair, or rebuilding of the Welch Pool. Although nothing has been set to paper, potential members would include Patricia Best (Superintendent of the State College Area School district); the COG Executive Committee members; Alan Popovich (architect for the COG aquatics feasibility study); and Ron Woodhead (Parks & Recreation Director). As discussed, Mr. Humphrey said, the committee would not have powers but would be advisory to the Authority. He noted that the creation of this committee would be discussed again on August 17.

Staff and Committee Reports. At Council's request, Mr. Whitfield said the contractor hopes to be done with the Garner Street reconstruction project by month's end but he could make no promises. The project was delayed for three weeks waiting for the HUD contract to be approved, no work could be done during the Arts Festival, the contractor ran into a water line that had to be relocated, and it rained 19 days during July.

There being no other business to come before Council, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Barbara J. Natalie
Assistant Borough Secretary