

State College Borough Council
July 6, 2004

The State College Borough Council met on July 6, 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
Elizabeth A. Goreham
Craig R. Humphrey
Jeffrey R. Kern
Janet K. Knauer

Absent: Catherine G. Dauler
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; Carl R. Hess, Planning Director; Herman L. Slaybaugh, Zoning Officer; Michele Nicolas, Director of Human Resources; members of the media; and other interested observers.

The Pledge of Allegiance followed a moment of silence.

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

Mayor Welch presented Barbara Natalie with a *Special Citation* acknowledging her recent designation as a Master Municipal Clerk by the International Institute of Municipal Clerks, the highest level of competence recognized by that organization. President Daubert also expressed appreciation for her assistance over the past year to host the 105th annual convention of the Pennsylvania League of Cities & Municipalities (PLCM) in State College.

Mr. Daubert presented Council with a plaque and a framed Altman print of the Holmes-Foster Park, both given as mementos from the PLCM for hosting the 2004 convention.

CONSENT ITEMS

Special Activities: Annual “Cruise.” The first item of Consent was to take action on a request to conduct the annual “cruise.”

Mr. Fountaine distributed an application to conduct the “cruise” on College and Beaver Avenues. The applicant, he said, is requesting permission to hold this event on July 24, from 6:00 to 8:00 p.m. Proceeds from the event will be used to benefit the Centre County Youth Service Bureau.

Upon motion of Ms. Knauer, second by Ms. Goreham, Council voted 5-0-0 to permit the use of College and Beaver Avenues for this activity, as requested.

Special Activity: Bless the Fest. The only other item of Consent was to take action on a request to use Calder Way and waive certain provisions of the Noise Ordinance to conduct this year’s “Bless the Fest” event.

Mr. Fountaine explained an application to use Calder Way (McAllister Street to Locust Lane) to conduct the fourth annual *Bless the Fest* concert. The activity is sponsored by a collaboration of churches to provide music, free food, and non-intrusive prayer as part of a program intended to entice young people off the streets. Bless the Fest is to take place on July 10, from 7:00 p.m. until 3:30 a.m. Because of the concerts, he noted that it will also be necessary to waive the provisions of Sections 103.a, 103.b(1)(a), 103.b(1)(b), 103.b(7), and 103.b(9) of the Noise Ordinance.

Upon motion of Ms. Knauer, second by Ms. Goreham, Council voted 5-0-0 to permit the use of Calder Way for this activity and to waive Sections 103.a, 103.b(1)(a), 103.b(1)(b), 103.b(7), and 103.b(9) of the Noise Ordinance during this activity. Council's approval was contingent upon the applicants working with the police if any significant complaint is received and subject to a setup designed to allow access by emergency vehicles.

BIDS/CONTRACTS/AGREEMENTS

Project 2-2004. Council was then asked to take action on bids received for Project 2-2004, the resurfacing of Garner Street and Bradley Avenue.

Bids for Project 2 were opened on June 22nd, Mr. Fontaine said. Project 2 consists of the resurfacing of 1,800 lineal feet on Garner Street (Nimitz to Bradley) and Bradley Avenue (Garner to William). The availability of specifications was advertised in accordance with the Purchasing Ordinance. Three contractors expressed an interest in doing the work, and all three bid on the Project:

Glenn O. Hawbaker, Inc.....	\$53,493.00
Daniel R. Hawbaker, President State College, PA	
New Enterprise Stone & Lime Co., Inc.....	\$58,194.70
Geoffrey W. Clarke, Vice President New Enterprise, PA	
HRI, Inc.....	\$71,142.00
Jeffrey E. Reeder, Vice President State College, PA	

He added that it will take up to 45 days to do the work, which will begin on July 16. Funding for the project is available in Account 30-439-610.

Upon motion of Ms. Knauer, second by Ms. Goreham, Council voted unanimously to award the bid for Project 2 to Glenn O. Hawbaker, Incorporated, the low bidder, in amount \$53,493.00.

Fraser Garage: Renovations of Space for District Justice. Council was next asked to take action on bids to design and renovate a portion of the Fraser parking garage's commercial space to house the District Justice's offices.

On June 22, Mr. Fontaine advised, the Centre County Commissioners entered into a lease agreement with the Borough for space in the Fraser Street parking garage. The space leased will house District Justice Carmine Prestia's offices, currently located in the 200 block of South Fraser Street, the site of the new parking garage. The lease agreement with the County states that the Borough is responsible for renovating the space. Because the District Justice's offices will have to vacate its existing location by early September, the bid will be awarded as a design/build contract, with all work on the space to be completed by September 3rd. Funds for this work will be taken from Parking Fund reserves. Bids for the Project were advertised in accordance with the Borough's Purchasing Ordinance. Eight vendors received specifications for the project; two submitted bids, which were opened on July 1:

Sponaugle Construction Services, LLC	
State College, PA	\$ 230,000.00
Penn Installations, Incorporated	
State College, PA	\$ 347,900.00*

* As a time alternate to the base bid, Penn Installations indicated that, with a time extension to 68 days for substantial completion and 75 days for full completion, they would deduct \$15,800.00 from their base bid.

Mr. Daubert moved to award the contract for renovations to Sponaugle Construction Services of State College, the low bidder meeting specifications, in amount \$230,000.00. Ms. Knauer seconded his motion.

Mr. Humphrey expressed an interest in knowing how the site was selected. Mr. Fontaine noted that staff presented the County Commissioners with two proposals, one to be relocated to the Municipal Building and the other in the Fraser Street parking garage. The Commissioners felt the garage best met their needs.

When the question was called, Council voted unanimously to approve Mr. Daubert's motion.

Dump Truck with a Stake Body. The only other item of this grouping was to take action on bids to purchase a 2004 dump truck with a stake body.

Mr. Fontaine reported that bids for a new dump truck to be used for collecting bulk items were opened on June 22nd. This truck will replace a 1992 model currently in use. The availability of specifications was advertised in accordance with the Purchasing Ordinance. Twelve vendors expressed an interest in bidding on the truck; five submitted bids:

<u>Bidder</u>	<u>Base Bid</u>	<u>Less Trade</u>	<u>Net Bid</u>
W. W. Engine & Supply DuBois, PA	\$ 64,269.03.....	\$ 3,466.00.....	\$ 60,803.03
Bowersox Truck Sales..... Williamsport, PA	65,971.57.....	5,000.00.....	60,971.57
Noerr's Garage..... Lewistown, PA	66,665.00.....	5,000.00.....	61,665.00
Fox & James..... Duncansville, PA	67,937.00.....	5,200.00.....	62,737.00
Allegheny Trucks..... Altoona, PA	67,373.00.....	3,375.00.....	63,998.00

The low bid, submitted by W. W. Engine & Supply, he said, is for a GMC chassis and complies with all specifications. Staff is recommending that the trade-in value, offered by W. W. Engine, be rejected since a higher price was received on a concurrent bid for the outright sale of the existing vehicle (the vehicle will be sold for \$9,800.00). Funding for this award is available in the Refuse Fund (Account 09-427-750).

Ms. Knauer moved to award the bid for the 2004 dump truck with a stake body to W. W. Engine & Supply, the low bidder meeting specifications, in amount \$64,269.03, and to reject the trade-in value offered by W. W. Engine & Supply. Mr. Kern seconded her motion, and it carried by a vote of 5-0-0.

OLD BUSINESS ITEMS

Zoning Ordinance: Amendment to Allow Off-Site Parking for the Commercial District.
The first item of Old Business was to take action on an amendment to the zoning ordinance to allow off-site parking for the commercial (C) zoning district.

At the suggestion of the Planning Commission, Mr. Fontaine recalled, Council held a public hearing on an amendment to the zoning ordinance to allow off-site parking for the C district to be located in the RO district. The amendment reinstates a regulation that was previously eliminated in error but reduces the perimeter in which parking would be allowed from 400 feet bordering the C district to within 100 feet of any lot zoned R-2. During the hearing, he said, no one objected to the amendment.

Mr. Kern moved to enact Ordinance 1787, amending the zoning ordinance to permit off-site parking for the C district to be located in the RO district, as long as it is at least 100 feet from any property located in the R-2 district. Mr. Humphrey seconded the motion.

At Council's request, Mr. Hess showed the area where off-site parking could be located, particularly noting those areas where lots could not abut residential districts. Mr. Slaybaugh added that any off-site lot would have to be a separate lot.

Council voted unanimously to approve Mr. Kern's motion.

Zoning Ordinance: Amendment to Add Religious School as a Permitted Accessory Use.
Next, Council was asked to take action on an amendment to the zoning ordinance to add *religious school* as a permitted accessory use.

Mr. Fontaine reminded Council that, at suggestion of the Planning Commission, Council held a public hearing on a proposal to amend the zoning ordinance to add religious schools as a permitted accessory use in R3, R3B, R4, RO, and UV districts. During the hearing, no one expressed opposition to the proposal. As written, the ordinance clarifies *religious instruction*

and *religious school*. It also allows a second-party religious school to operate at a place of worship, provided the lot has frontage along and vehicular access from an arterial street, and where required parking is met. If approved, religious schools would be allowed in those zoning districts where private academic schools are already permitted as a special exception.

Mr. Humphrey moved to enact Ordinance 1788, amending the zoning ordinance, as described. Ms. Knauer seconded his motion, and it was unanimously approved by the members.

Cherry Alley: Vacation Of... The only other item of Old Business was to enact an ordinance to vacate Cherry Alley, in its entirety.

In response to a request from St. Paul's United Methodist Church, Mr. Fountaine said, a public hearing on the vacation of Cherry Alley was held on June 21. Cherry Alley is that right-of-way abutting the south and east sides of St. Paul's education building, connecting McAllister Street to Calder Way. Both the Centre Regional Planning Commission and the State College Planning Commission reviewed the proposal and expressed their support for the request. Penn Towers' apartment complex has property abutting Cherry Alley and, he noted, they submitted a letter in support of the Church's request.

Upon motion of Ms. Knauer, second by Mr. Humphrey, Council voted 5-0-0 to enact Ordinance 1789, vacating Cherry Alley in its entirety.

NEW BUSINESS ITEMS

Pension Plans: A Restatement of the General Government and Police Plans. The first item of New Business was to enact two ordinances, adopting restated plan documents for the general government and police employees' pension plans.

Mr. Fountaine explained that the Borough's actuary prepared a *restated plan document* for both the police and general government employees' pension plans. Both documents were reviewed by the Borough's labor attorney and solicitor and submitted to ICMA for their review. The restatement does not change or modify in any manner the benefits provided to employees or impact the cost of funding the plans. The restatement is intended to reflect state pension laws and applicable provisions of the Internal Revenue Code. The actuary notes that "much of the language will never apply but is included to meet IRS requirements." Each plan requires the adoption of an ordinance. The ordinances serve to appoint the Borough Manager as Chief Administrative Officer for the plans and reference both the restatement of the plan document and the trust agreement. For the purposes of the trust agreement, the positions of Borough Manager, Assistant Manager, and Human Resources Director are named as trustees. The activities of administering the pension plans are currently carried out by these individuals along with an Investment Services Agreement with the ICMA Retirement Corporation, previously approved by Council, to provide investment services and day-to-day administration of the plans.

Ms. Knauer moved to enact Ordinance 1790, adopting a restated plan for general government employees, and Ordinance 1791, adopting a restated plan for police. Mr. Kern seconded her motion, and it was approved unanimously.

Easement Agreement: Verizon-PA to Relocate Utilities for the Beaver Avenue Garage. The last item of New Business was to consider an agreement with Verizon-Pa, Incorporated, to relocate utilities in conjunction with construction of the Beaver Avenue parking garage.

Mr. Fountaine shared a proposal submitted by Verizon for engineering and relocation work associated with the Beaver Avenue parking garage. The agreement covers removing existing overhead utility poles, relocating and/or replacing existing lines, splicing cables to maintain existing service, and placing anchors and guy wires. The estimate for the work is \$78,000.00. Verizon believes the work will require a minimum of 45 days to complete. He noted that utility relocation is a significant part of the garage project, and mentioned that Verizon's estimate for the relocation work is within the budget estimates for this project.

Ms. Knauer moved to approve the agreement and authorize the President to sign it on behalf of Council. Mr. Humphrey seconded her motion.

Mr. Daubert pointed out that allowing a “minimum of 45 days to complete (the project)” leaves the contract open-ended to the benefit of the contractor. He also noted several typing errors in the document. Mr. Whitfield advised that all of the utility companies are cognizant of the Borough’s timetable and are working with staff to see that the project stays on schedule. Mr. Williams added that Verizon will insist that their documents be used.

Members of Council voted 5-0-0 to approve Ms. Knauer’s motion.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor’s Report. Mayor Welch thanked everyone involved for another successful Fourth Fest with a spectacular display of fireworks. Ms. Knauer acknowledged the efforts of Mayor Welch to see that this event recurred.

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

ITEMS OF INFORMATION

Signs. Mr. Kern wondered what prompted the recent string of violation notices on signs in the central business district. Mr. Fontaine stated that no violations were issued; however, business owners and operators were notified that they were in violation of the Sign Ordinance and that some of the signs had to be removed.

There being no other business to come before Council, the meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Barbara J. Natalie
Assistant Borough Secretary