

Meeting Minutes
State College Borough Council
Regular Meeting
Monday, December 21, 2015

The State College Borough Council met in a regular meeting on Monday, December 21, 2015, in the State College Municipal Building, 243 South Allen Street, State College, PA. Mayor Goreham called the meeting to order at 7:03 p.m.

Present: Elizabeth A. Goreham, Mayor
James L. Rosenberger, Council President
Thomas E. Daubert
Catherine G. Dauler
Sarah Klinetob
Theresa D. Lafer
Peter Morris
Evan Myers

Also in attendance: Thomas J. Fountaine II, Borough Manager; Terry J. Williams, Borough Solicitor; Thomas R. King, Chief of Police; Sharon K. Ergler, Assistant Borough Secretary; Rick Ward, Parking Manager; Roger Dunlap, Assistant Borough Manager; Anne Messner, Planner/Zoning Officer; Dwight Miller, Manager of Financial Services; Mark Whitfield, Public Works Director; Cynthia Hanscom, Human Resources Director; Courtney Hayden, Communication & Special Projects Coordinator; Shawn Bengali, UPUA Student Representative; as well as numerous students, members of the public and media representatives.

Public Hour – Hearing of Citizens

Dolores Taricani, DSCID Board member and downtown property owner, thanked the outgoing Council members for their service and support of the downtown during their terms on Council. She said Fraser Centre was a perfect example of when people work together for a common good.

Consent Items

Mr. Morris made a motion to approve the following Consent Items. Mr. Myers seconded the motion, which passed unanimously in favor.

- Approve minutes from the meetings held in November:

November 2, 2015	Regular Meeting/Work Session
November 9, 2015	Work Session
November 16, 2015	Regular Meeting/Work Session
November 23, 2015	Work Session

- Approve vouchers, payroll and debt services payments for the month of November in the amount of \$4,813,431.16.
- Approve Resolution #1148 reappointing Rosalie Bloom-Brooms as a member of the Zoning Hearing Board, with a term ending on December 31, 2018.

- Appoint or reappoint the following individuals to various Authorities, Board and Commissions:

Appointment	Name of ABC	Person's Name	Date of Expiration
Reappointment	Airport Authority	Joseph Groshel	December 31, 2020
Reappointment	Authorities Board	Robert Malcom	December 31, 2020
Reappointment	Board of Health	John H. Golbeck	December 31, 2020
Reappointment	CDBG Citizens Advisory Committee	Jay Meashey	December 31, 2019
Reappointment	CDBG Citizens Advisory Committee	Connie Randolph	December 31, 2019
Appointment	CDBG Citizens Advisory Committee	Vansh Vijay Prabhu	December 31, 2019
Reappointment	Civil Service Commission	Susan Bardo	December 31, 2021
Reappointment	Centre Region Parks & Recreation Authority	James Dunn	December 31, 2020
Reappointment	Community Land Trust	Polly Dunn	December 31, 2018
Reappointment	Design Review Board	Richard Devon	December 31, 2019
Appointment	Design Review Board	W. Bond Reinhardt	December 31, 2019
Reappointment	Design Review Board	Justin Wheeler	December 31, 2019
Reappointment	Planning Commission	Scott Dutt	December 31, 2019
Reappointment	Planning Commission	Jon Eich	December 31, 2019
Reappointment	Planning Commission	Richard Kalin	December 31, 2019
Reappointment	Planning Commission	Michael Roeckel	December 31, 2019
Reappointment	Rental Housing Revocation Appeal Board	Larry Miles	December 31, 2018
Reappointment	Transportation Commission	Paul Jovanis	December 31, 2019
Reappointment	Transportation Commission	Diana Malcom	December 31, 2019
Reappointment	Transportation Commission	Raymond Najjar	December 31, 2019
Reappointment	Tree Commission	Henry Gerhold	December 31, 2018
Reappointment	Water Authority	Rachel Brennan	December 31, 2020
Appointment	Water Authority	William D. Burgos	December 31, 2020
Reappointment	Centre County Community Land Trust	Edward LeClear	December 31, 2018

- Approving and ratifying a Collective Bargaining Agreement between the Borough of State College and the Police Union, for a three-year agreement, with an expiration of December 31, 2018.

General Policy and Administration

2016 Operating Budget

Budget Approval: Ms. Lafer made a motion to approve Resolution #1149 approving the 2016 Budget appropriations and revenues; Ms. Dauler seconded the motion.

Mr. Rosenberger offered an amendment in light of the fact that late last week the Federal government pushed the Cadillac tax from 2018 to 2020. He suggested reducing the proposed tax increase by ½ mill

from 16.4 to 15.9 or by roughly \$200,000 and to push forward the accumulated funds into the reserve for benefits. Mr. Myers seconded the amendment.

Ms. Lafer asked the Manager if Council were to push the tax accumulation into that fund what affect it would have.

Mr. Fountaine said those funds were going to be assigned to be set aside for future health care costs. Staff anticipates working with employee groups to modify the Borough's insurance plans and to phase the program in over the next couple of years. This revenue came from refunds in the Borough's health insurance program premiums. This was not something that reoccurs regularly. It is difficult to anticipate whether or not there would be revenue available to do that in the future.

Mr. Morris expressed his disappointment in Mr. Rosenberger's amendment because at Council's December 14 work session, Council members seemed to be agreement on what Council was looking for and had planned to vote on approving in terms of the 2016 Operating Budget by adding back one police officer and a 2 mill increase. He thought it was a bad idea to come in at the last minute and mess up the balanced budget. He said that was not a sound way to run the Borough and why would Council continue a record of doing unsound things.

Ms. Dauler expressed her displeasure in the amendment because Council had determined and agreed at their work session that they would be voting to approve a balanced budget. She said she did not appreciate the drastic change and disregard for all of the work staff, Council and residents had put into the budget.

Mr. Myers said he seconded the motion because it was necessary to have this discussion since the information Mr. Rosenberger provided just became available.

Ms. Klinetob said she was not in favor of the amendment or the one-time transfer. She said it was wise that staff had recommended placing the funds in a health-care related fund for future use. The money came from a health-care related source so it was wise to keep it there. She added that benefits are very important when someone is looking for and choosing a job.

The amendment failed 1-6 with Mr. Rosenberger voting in favor of the motion.

The motion to approve Resolution 1149 passed unanimously.

2016 Schedule of Fees: Ms. Dauler made a motion to approve Resolution 1150 amending and revising various fees per Borough ordinances; Mr. Rosenberger seconded the motion, which passed unanimously.

Ordinance amending various sections of the Codification of Ordinances: Mr. Rosenberger made a motion to adopt Ordinance 2066, amending and revising the fines and penalties for violations such as noise, public urination and defecation, open container and other ordinances. Ms. Lafer seconded the motion.

Mr. Morris said some of the fines were still too high.

The motion to adopt Ordinance 2066 passed unanimously in a roll call vote.

2016 Pay Plan: Mr. Daubert made a motion to approve Resolution 1151 approving the 2016 Pay Plan for non-union personnel; Ms. Dauler seconded and the motion passed unanimously.

2016 Police Pension Employee contribution rate: Mr. Rosenberger made a motion to approve Resolution 1152 approving the employee contribution rates for 2016 for the Police Pension Plan; Ms. Lafer seconded and the motion passed unanimously.

2016 General Government Employee pension contribution rate: Ms. Lafer made a motion to approve Resolution 1153 approving the employee contribution rates for 2016 for the General Government Pension Plan. Mr. Rosenberger seconded and the motion passed unanimously.

Ordinance Establishing the Real Estate Tax rate for 2016 and Establishing Penalty and Discount rates: Mr. Morris made a motion to adopt Ordinance 2067 establishing the Real Estate Tax Rate for 2016. The Ordinance sets the rate for 2016 at \$.0164 times the assessed value or 16.40 mills. The rate increased by .002 from the 2015 rate. This Ordinance also establishes the discount period penalty rates for Real Estate Taxes collected in 2016. The discount and penalty rates remained unchanged with the discount rate of 2% and a penalty rate of 10%. Ms. Lafer seconded the motion which passed 6-1 in a roll call vote with Mr. Rosenberger voting against the motion.

An Ordinance Authorizing Property Assessments for the DSCID

Ms. Dauler made a motion to adopt Ordinance 2068 establishing the amount and method for assessing properties within the Downtown Neighborhood Improvement District for 2016. Mr. Morris seconded the motion which passed unanimously in a roll call vote.

Pension Amendment

Ms. Lafer motioned to enact Ordinance 2069 which amended the Police Pension Plan by providing for a Deferred Retirement Option Plan for all officers hired prior to January 1, 2016, and officers with 25 years of service and age 50 or older. Ms. Klinetob seconded the motion which passed unanimously in a roll call vote.

Disposition of Building at 131 West Nittany Avenue

Mr. Daubert made a motion to decline the State College School Board's offer to donate their office building at 131 West Nittany Avenue to the Borough. Mr. Morris seconded the motion.

Mr. Myers asked if the proposed demolition had already been reviewed by the Historic Resources Commission (HRC). Mr. Fontaine said that was not required until a demolition permit had been filed with the Zoning Office. Mr. Myers asked if there was any reason the HRC could decline the request. Mr. Fontaine said the HRC review was just a required step in the process to document the structure.

The motion to decline the School Board's offer for the building passed unanimously.

DSCID's Summer's Best Music Festival

Mr. Fontaine pointed out that George Arnold, the Downtown State College Improvement District's Executive Director and Board Chair, Sharon Herlocher, along with other merchants were present to provide information if Council had questions on the DSCID's request for the Summer's Best Music Festival.

Mr. Arnold said he appreciated the opportunity to present details on the proposed event. He stated that DSCID representatives had met with representatives from the Borough, Penn State and with promoters who were planning the 10th year event. He said Todd Wagner, from Lucky Dog Management Enterprise, had been helping the DSCID grow this year's event by bringing in better musical performances. In addition, the organizers were looking for sponsorships, which in turn brought in more funding to help grow the event and attract a larger artist and increase the draw for those who attended the festival. He added that as part of the request, they were asking Council to waive the enforcement of the Open Container Ordinance in a designated festival area so beer and wine could be sold.

Mr. Morris said he thought it was a fine idea and liked the idea of selling beer and wine at such an event.

Ms. Lafer said she was happy to discuss this pilot program and also liked the idea of having an area designated for alcohol sales at the festival. She said the overall concept was an excellent idea.

Mr. Daubert said he was concerned because this event could be precedent setting for others who want similar events downtown. He asked what would the boundaries of the designated area be and how were the organizers going to monitor the area. Mr. Fontaine said the designated area was provided on Page

78 of Council's agenda packet. Mr. Fontaine said by designating the event as a pilot program, the event could be evaluated afterwards by the Borough and the DSCID.

Mr. Arnold said event organizers, such as Lucky Dog, had successfully been able to run larger events where alcohol was being served with zero incidents over the past six years. He added that Council should have received two letters of support for the event.

Mr. Rosenberger said he appreciated DSCID coming in to discuss their proposed event. He said he and other Council members were in favor of stamping out THAW, but he had similar concerns with this event because Council would be allowing DSCID to fence off parts of the Borough and allow patrons to walk around with beer and/or wine. He said it does cause him to pause and think about it. He said he had spoken to some of his colleagues about this request, waiving the open container laws, and DSCID sponsorship of such an event. He said the way the area was planned to be fenced or roped off seemed sensible.

Ms. Klinetob said she too was in favor. She said she was more comfortable with DSCID's event than if a start-up group making a similar request. She said DSCID had already made plans for risk management, wristbands, etc.

Ms. Lafer said she was concerned about 10 or more obvious entrances and/or exits for the event. DSCID's event should not be something that drops onto the Police Department. She asked who would be on hand to control entry and exit points, as well as and the amount of alcohol someone would be served.

Mr. Wagner said upon Council's approval of DSCID's event, DSCID would have to file a request with the PA Liquor Control Board, which outlined the boundaries for the event. He added that there would be a good framework, such as jersey barriers, bike racks, and even short-term fencing. There would also be paid security on hand to monitor the event.

Ms. Dauler said as a representative on the DSCID Board, she was invited to a meeting a few weeks ago to hear about the proposal. She said she thought it was good idea. She said she had attended Summer's Best Music Festivals (SBMF) in the past and stated that it needed to be livened up and she thought this was a good approach. She added that she was impressed by the DSCID Board's due diligence and was hopeful Council would allow them to move forward with this event.

Susan Venegoni, President of the Highlands Civic Association and resident of 323 East Fairmount Avenue, reminded the event organizers that downtown is downtown and a neighborhood is a neighborhood and event organizers should take all precautions so the event does not bleed into the Highlands neighborhood.

Pat Daugherty, owner of The Tavern Restaurant and DSCID Board member, commented that the request still had to be reviewed by the PA Liquor Control Board and the event organizers still needed to finalize some things. He said Penn State held a similar event at the Bryce Jordan Center when Country artist Garth Brooks toured here. Lucky Dog Management Enterprise had also assisted other venues, such as Tussey Mountain, where alcohol had been available.

Jim Shincovich, 437 East Fairmount Avenue, said a music festival was a good idea; however, the alcohol portion of the event was not. He stated that anytime there was alcohol, there were problems. He said he had lived in Johnstown for 22 years and all the locals in Johnstown did not go to the festivals held there because the festival attendees were a bunch of drunks. He said it was appalling to think Council would support such an event.

Mr. Morris said The State Theatre requested permission to obtain a liquor license to serve beer and wine and as far as he knew they had no problems with the sales and/or service. He said serving alcohol at their events had helped them through a difficult time.

Mr. Wagner pointed out that Johnstown had two major events each year. Thunder in the Valley, which was attended by motorcycle enthusiasts, and the second event was a walking festival throughout the entire city and there was no one causing problems for these events.

Mr. Myers agreed that the DSCID event was a good idea; however, he was conflicted with the open container precedent and the message it might send. He said he was willing to try anything once. Given it was a planned pilot program with strict controls in place, he stated he would be favor of the event, but if there were problems, the publicity Council would receive would not be pleasant.

Ms. Klinetob made a motion to approve DSCID's request to serve beer and wine at the SBMF as a pilot program. Mr. Morris seconded the motion, which passed unanimously with two conditions.

Approval of the 2016 Meeting Calendar

Ms. Lafer motioned to approve Council's 2016 meeting schedule. Mr. Morris seconded and the motion passed unanimously.

Council Procedures Manual

Ms. Lafer made a motion to approve the updated Council's Procedures Manual and begin following the updated manual beginning January 1, 2016. Ms. Dauler seconded the motion.

Mr. Daubert explained that a subcommittee, consisting of Ms. Dauler, Ms. Lafer and him reviewed the manual and updated language such as removing the words like fax machine and updating it with words such as iPads and laptops.

The motion passed unanimously.

Public Works

Holmes Foster Park Master Plan

Ms. Dauler made a motion to adopt Resolution #1154 accepting the Holmes Foster Park Master Plan with the conditions outlined in the Public Works Director's December 11, 2015 memorandum. Ms. Lafer seconded the motion.

Mr. Myers said he had heard some concerns from residents about the pathway that connected Sparks Street and wended its way through the park. They portrayed it as if there was significant opposition to the path. He said they noted it was still included and thought it had been taken out.

Mr. Fontaine said that was discussed by the subcommittee. Mr. Madrid said that the majority of the neighborhood would support the path. Ms. Dauler agreed and added that Mr. Madrid certainly knew who those people were and which ones had expressed concerns before. He felt this plan was the right way to go.

The motion to approve passed unanimously.

Planning and Zoning

Conditional Use Decision for the RISE Development Project proposed for 532 and 538 East College Avenue

Mr. Williams said there was one correction on Page 4 of the decision in paragraph 18.h. The statement should read "No more than 5 unrelated persons per dwelling unit." He noted that the number four listed was incorrect.

Ms. Lafer said Council had been discussing the nature of the inclusionary and affordable housing aspects with professionals and families being mixed in with undergrads and other groups. She said she wanted to make sure Council, should they want to make some adjustments, had an option to do so. Mr. Williams answered yes. He said the way the decision was written, it makes the point that inclusionary housing was not part of the Conditional Use Ordinance. In dealing with inclusionary housing, the developer must comply with the ordinance as it now stands.

Mr. Rosenberger made a motion to approve the written decision for the Conditional Use at the RISE, which will be located at 532 and 538 West College Avenue. Ms. Lafer seconded the motion.

Ms. Lafer said this building would be an experiment using the Inclusionary Housing Ordinance and so far she thought it had been working well. She added that the building may have been a little larger than she would like; however, the developer had followed all of the rules and had designed an interesting, attractive and well fit building.

Mr. Rosenberger said when the renderings of the building were presented to Council all utilities had been photo shopped out. He encouraged the developer to find adequate space to put the utilities underground because it would add to the aesthetics of the building.

The motion to approve the Conditional Use Decision passed unanimously.

Official Reports and Correspondence

Mayor's Report – Mayor Goreham said she had nothing to report.

President's Report – Mr. Rosenberger said it was Council's last meeting of the year and he wished everyone a happy Christmas season and hoped to see everyone at First Night.

Regional Liaison Reports

Executive Committee – Mr. Rosenberger said the Executive Committee did not meet in December.

Finance Committee – Mr. Myers said the Finance Committee did not meet.

Human Resources – Mr. Morris said the Human Resources Committee meeting was cancelled.

Parks Capital Committee – Mr. Daubert said the Parks Capital Committee was also cancelled.

Public Safety and Public Services Committees – Ms. Klinetob said the Public Safety and the Public Services Committee meetings were both cancelled.

Transportation and Land Use/MPO – Ms. Lafer said the Transportation and Land Use Committee met briefly and noted that the Bike Plan was presented at the COG General Forum meeting and was accepted by COG. She also reported that the MPO had not met.

Adjournment

The meeting adjourned at 8:42 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary