

State College Borough Council
Work Session
April 12, 2004

The State College Borough Council met in a work session on Monday, April 12, 2004, in the State College Municipal Building's Council Chambers, 243 South Allen Street, State College, PA. Mr. Daubert called the meeting to order at 7:32 p.m.

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

Also present: Thomas J. Fontaine, Borough Manager, Ronald A. Davis, Assistant Borough Manager, Michael Groff, Finance Director; Thomas R. King, Chief of Police; Carl R. Hess, Director of Planning/Community Development; Mark A. Whitfield, Director of Public Works; Amy J. Story, Borough Engineer; Cynthia S. Hanscom, Recording Secretary; members of the media; and other interested observers.

Public Hour. There were no comments from the public.

Request to Transfer a Liquor License

Mr. Fontaine explained that Ed Friedman was present to discuss the transfer of a liquor license into the Borough for a fine dining facility. New legislation (Act 212) amends the process for the transfer of liquor licenses and allows local jurisdictions to approve transfers with restrictions.

Mr. Friedman informed Council that there was a problem in downtown State College. Retailers are leaving. This is evidenced with the closing of the Bostonian and the Gap and the bankruptcy of Eddie Bauer. When retailers leave, the downtown becomes less attractive because of empty store fronts. As a property owner in the downtown, he has tried to find ways to solve this problem. One concept he has come up with is to fill the vacant space with a high quality dining facility. The restaurant would provide sit-down service with a minor amount of alcoholic beverages. The proposal will add to the downtown area because people enjoy fine dining.

Mr. Friedman explained the same group of individuals currently operating Zola's restaurant at 324 West College Avenue wants to open another facility but need a liquor license. He was asking Council to approve the transfer of a liquor license, with conditions. This would alleviate Council's fears of establishing another high volume bar. Mr. Friedman said he had reviewed a list of possible restrictions with legal counsel and it appears that Council can control the amount of alcoholic beverages sold.

Mr. Meyer asked if the restrictions would apply only to the transfer of the license. Mr. Friedman assured Mr. Meyer the restrictions would stay with the license regardless of the owner.

Ms. Dauler asked what kinds of restrictions were proposed. Mr. Fontaine exemplified conditions could be no draft beer, only 15 bar seats, and 65 percent food sale ratio to alcohol. Ms. Knauer said she would like to see ratios of food sales versus alcohol for other eating establishments. Mr. Friedman noted that Council can do any number of restrictions, but the end result would be to benefit the downtown.

Ms. Dauler asked if transfers had been approved with conditions attached elsewhere in the Pennsylvania. Mr. Friedman did not know of any, but he believed the Liquor Control Board (LCB) is embracing the concept.

Mr. Humphrey asked about the current owner of the license. Mr. Friedman said he had an option to purchase the license.

Ms. Goreham asked about the reporting process. Mr. Friedman replied sales data would be submitted every three months with a monthly inspection conducted by Borough staff. An additional inspection fee would be paid by the eating establishment.

Mr. Meyer asked about the number of seats proposed. Mr. Friedman answered that the exact number had not been finalized. The proposed location would be in Calder Alley across from the old municipal building. It had been a small carriage house with only 2,200 square feet. The location is near the new garage and the new downtown theater.

When asked about the next step in the process, Mr. Fontaine explained, if acceptable, an official request for the transfer will be received by Council. The Borough has 45 days to consider a formal application and hold a public hearing. If approved, the request would go before the LCB.

Mr. Friedman felt the approval of the transfer would not set a precedent for approving liquor license transfers and it would be self-limiting because the market can bear only so many fine restaurants.

Mr. Daubert said he would like to see a list of conditions to be placed on the license. He suggested Council receive the application on May 3 with a public hearing scheduled for June 7.

Central Pennsylvania Festival of the Arts

Mr. Fontaine indicated the Central Pennsylvania Festival of the Arts (CPFA) was requesting authorization to designate the public areas for the Central Pennsylvania of the Arts and establish the time period of the Festival. He noted the request represents no change from the previous year's activities.

Phil Walz, Director of the CPFA, first updated Council on the First Night activities held in 2003. He said it was the second best attendance in the 10 years that the event has been held. Ms. Dauler said she had been told that many of the stores did not remain open. Ms. Sparacino agreed, commenting that it was difficult to convince the store owners to remain open in the evenings. Mr. Walz said he tries to get the retail merchants involved. Many of the store owners support the event and contribute by purchasing ice sculptures but still decide not to remain open for the event. Mr. Walz added the 3-day event benefits merchants. Ms. Dauler asked about the fireworks in Community Field. Mr. Walz noted that he was nervous about holding the event in a neighborhood but felt it went well. Attendance was good despite the 23 mile-per-hour wind. Some debris blew into the Peppermill Condominium area but there was no damage.

Mr. Walz noted the ordinance to establish the Arts Festival zone is very important to protect the zone. The festival held in Ann Arbor, Michigan, is a good example of what could happen if an ordinance is not in place. He explained the festival in Ann Arbor is a combination of 30 festivals and it was absolute chaos.

Council reviewed the information provided by Mr. Walz. Mr. Daubert asked if Calder Alley would remain open and Mr. Walz replied affirmatively.

Mr. Daubert asked about restricted use of the municipal building. Mr. Walz indicated that any entity using the building would go through the Arts Festival for approval. He did not want events being held in the zone that are not affiliated with the Festival.

Council discussed non-profit organizations distributing handbills during the event. Mr. Walz indicated it was prohibited. His concern was that allowing one or two groups could escalate and become a problem.

Ms. Goreham asked if there would be greater efforts made to provide recycling containers. Mr. Walz explained recycling containers were set up but people were using them for trash. Ms. Goreham felt that there could be more done to encourage recycling.

Mr. Rick Razini, President of XoGen Research and member of the Arts Festival Board, presented a powerpoint presentation on the Arts Festival.

Mr. Daubert asked if local artists were still complaining about not being accepted in the event. Mr. Razini noted that the Arts Festival has reserved slots for local artists. Other local artists will set up booths at the People's Choice Festival in Boalsburg. He said he has found that visitors usually like to attend both events.

Construction Schedule for Garner Street

Ms. Story presented a project schedule for the Garner Street construction project. She said bids would be advertised from March 30 through April 9, opened on April 20, with an award on May 3. The first portion of Garner Street to be completed would be from College to Beaver Avenue. For this section, curb would be replaced as needed. There would be full depth pavement replacement near the College/Garner intersection as well as mill and overlay for the entire section. The Water Authority is expected to relocate a water main during the construction period. The second section to be completed would be from Beaver to Foster. Again, there would be curb replacement as needed with spot repair of the sub-base. The third section to be completed will be from Foster to Hamilton. This section will be the reconstruction of the pavement with the replacement of all asphalt curb. All work in the first two sections (except for the mill and overlay) would need to be completed between May 17 and July 1; all work in the third section would need to be completed by August 20, with no work occurring during the Arts Festival.

Mr. Meyer asked if there would be any grade changes. Ms. Story replied there would be some minor drainage changes only. Mr. Kern asked what the cost would be to change the grade at the Hamilton intersection because of the sight distance problems. Ms. Story said the additional cost would be very high. Mr. Kern said speed mitigation issues should be addressed when proposing projects. Council discussed the mitigation strategies. Mr. Fountaine cautioned Council that the traffic mitigation policy should be followed.

Ms. Story explained the detours for traffic. Mr. Fountaine noted that local traffic will be able to find their own way without using the official detours. Ms. Story noted there would be minimal closing of Garner Street between Beaver and College. At most, the construction would necessitate one-lane of traffic.

Mr. Kern asked if there could be temporary traffic signal installed at Sowers Street. Ms. Story explained that would not be possible.

Mr. Whitfield presented a proposal for placement of lighting fixtures on Garner Street. He noted the standards would be fiberglass built at pedestrian level. The standards would be placed 100 feet apart and staggered alongside Garner Street. Mr. Whitfield believed this would be a good area to experiment with these fixtures. The underground electric, labor and fixtures would add \$40,000 to the project. Mr. Whitfield added that the Borough would own and maintain the fixtures.

Mr. Kern expressed concern with the height of the fixtures. He felt they would be too low and would encourage vandals to knock them down. Mr. Meyer asked if the standards proposed were the same as those in Orchard Park. Mr. Whitfield noted the lights were similar but the lights in Orchard Park are metal.

Ms. Dauler asked if a survey of residents had been done to determine if anyone was opposed to the lights. Mr. Whitfield indicated this area was identified by student groups as needing additional lighting for safety. There are fraternities and apartments in the area.

Mr. Daubert asked about getting a heavier pole. Mr. Whitfield believed they would be too expensive; fiberglass poles would be easier to replace.

Mr. Fontaine informed Council that bids had gone out for the project with an alternate for lighting. Council will award a bid at its May 3 meeting.

McAllister Parking Deck

Mr. Fontaine explained there were two issues to discuss with regard to McAllister deck. First, St. Paul's United Methodist Church, 109 McAllister Street, is continuing to work on their plans for expansion. Staff met with people from the church to discuss a number of issues with regard to parking. Mr. Fontaine reminded Council that the church had original proposed contributing to a project that would add two levels to the McAllister deck. Once that was determined to be cost prohibitive, the Borough proceeded with plans for the garage at the corner of Beaver Avenue and Fraser Street. To ensure that parking is available in the deck for Sunday morning service, the church is asking for a prohibition of overnight parking. Mr. Fontaine added that the prohibition would allow for cleaning and maintenance of the deck when it is empty.

Mr. Kern asked how many cars were parking there overnight. Mr. Fontaine replied there were about 100 cars on weekend nights with fewer overnight users on weekdays.

Ms. Dauler asked how the cars would be removed if left in the deck. Mr. Fontaine indicated the lot would be posted and enforced with vehicles towed at owner's expense. When asked if vehicles were towed from the metered spaces now, Mr. Fontaine explained it was not currently being done. Ms. Knauer asked if the lot was full on Sundays. Mr. Hess replied, "Yes." Ms. Knauer asked if the overnight parking was free. Mr. Fontaine explained the meters were enforced until 10:00 p.m. Ms. Goreham asked if those using the lot now could be accommodated in the Pugh Street Garage. Mr. Fontaine replied it is possible, but the vehicle owner would have to pay to park overnight.

Ms. Dauler noted that the church has been struggling. She suggested the prohibition on overnight parking be tested for a year. Ms. Knauer asked what Council would do if other churches asked for a similar arrangement. Mr. Fontaine said the overnight restriction would allow any church patron to park. He added that Council should consider closing each garage at least one night a week for maintenance and cleaning. Ms. Knauer did not agree with the proposal, stating that none of the cost would be borne by the church. Mr. Daubert noted that if it is determined that there is a loss for the Borough, the church may be willing to reimburse some of the money.

Mr. Fontaine said he would talk with the churches and bring something back to Council.

Mr. Fontaine said the second issue with McAllister deck is related to reserved parking. The proposal is for 50 of the reserved spaces to be leased for \$90.00 a month as reserved, assigned spaces. This would not effect the metered spaces on the first two levels.

Mr. Daubert said the \$90.00 per month seemed low, while Mr. Kern believed it was too high. Mr. Groff indicated that from comparative studies, it was within the upper limits.

Mr. Daubert said he would want to see some data on the rental rates for parking spaces in the downtown. Mr. Meyer did not believe the data would make any difference because this was a change in operation. He believed it would provide a positive service for the downtown businesses.

Mr. Fontaine said he would come back to Council with data so that Council can come up with an appropriate monthly rental rate.

ANY OTHER MATTER

C-NET Usage

Mr. Daubert asked about a letter that was sent to Ferguson, College, and Harris Townships asking if they would be interested in using the Borough's available time on C-NET for broadcasting their meetings. Mr. Fountaine said Ferguson Township had responded that they appreciated the offer but respectfully declined.

Streetlights on Hamilton Avenue

Ms. Goreham stated that she had received several calls from residents of Hamilton Avenue opposing the installation of additional lights.

Mike Rechal, Hamilton Avenue, indicated that lights were on every pole. However, Prospect Avenue has no lights. He believed that installing more lights would invite more pedestrian traffic. Putting a light on every pole is not a solution. He noted that other residents on Hamilton Avenue were not in favor of additional lighting. Mr. Daubert indicated that Council would need to consider health and safety issues when considering additional lights. Ms. Knauer noted that Hamilton Avenue was identified by students as a street that needed additional lighting.

House Bill 2373

Mr. Fountaine informed Council that Lynn Herman was sponsoring an amendment to an existing House Bill that would allow Labor and Industry services to be contracted out to municipal governments. This would include councils of government and permit code services currently required to be performed by Labor and Industry to be provided by the Centre Region COG. He said the Council of Counties and League of Cities are endorsing the bill.

Emergency Generator

Mr. Fountaine indicated the Borough had received a request from the School Board to provide assistance in funding an emergency generator for the Park Forest Elementary School. The School Board was proposing to use the school as an emergency shelter when school is not in session. This would be coming before Council in a future meeting.

There being no further business, the meeting adjourned at 10:00 p.m.

Respectfully submitted by:

Barbara J. Natalie
Assistant Borough Secretary