

State College Borough Council  
April 5, 2004

The State College Borough Council met on April 5, 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  
Janet K. Knauer  
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; 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; Edward C. Holmes, Parking Facilities Coordinator; Michele Nicolas, Human Resources Director; members of the media; and other interested observers.

The Pledge of Allegiance followed a moment of silence.

#### **PUBLIC HOUR.**

**Design Review Board – Report to Council.** Richard Schuhmann, Chairman of the Design Review Board (DRB), presented the Board's report. He briefed Council on what the DRB does and the process for reviewing development projects. He explained how that review process fits into the recommendations that come before Council. Mr. Schuhmann showed floor plans for a project that met the criteria of the ordinances but was considered by the Board members to be dangerous to its occupants. He noted that the plan was ultimately rejected by both the DRB and the Planning Commission and was never brought before Council. Because the DRB has to be a good and constant consultant to the developers who appear before them, the Board is recommending Council consider the following suggestions:

- (1) requests to enclose porches on a historic structure be processed by the Historic Resources Commission;
- (2) amend the sign ordinance to include DRB review of signs in the commercial district;
- (3) change the guidelines so that any façade change or addition within the commercial district has to be reviewed by the DRB;
- (4) amend the zoning ordinance to increase the current minimum guidelines for living space in rooming houses and revisit standards for garbage collection and storage;
- (5) revisit the issue of infill projects and carefully review where they should be continued;
- (6) require that non-conforming parking lots be brought into conformity upon redevelopment;
- (7) review guidelines for adaptive reuse of old and historic buildings and amend the guidelines so that renovation does not result in a loss of all character; and
- (8) change plan submission requirements to state that adjacent buildings must be shown in a single photograph or sketch or photographic array so that the DRB may better evaluate context design.

[The entire DRB report can be examined in the DRB minute book; the report is dated April 5, 2004.]

Council thanked Mr. Schuhmann for his report and instructed that the Secretary place the DRB's recommendations on a work session agenda for discussion in May.

**Delta Sigma Lambda Fraternity: Loan Repaid.** Robert Meinen, an alumnus of the Delta Sigma Lambda fraternity, reported that Council's loan to demolish the burned fraternity at 500 South Allen Street has been repaid in full—three years early. On behalf of his fraternity brothers, he thanked Council, and advised that they will begin rebuilding in September for occupancy in the fall of 2005.

**Beaver Avenue Parking Garage: Displaced Tenants.** Matthew Montemorano represented the tenants of Henry Haranin's properties on West Beaver Avenue who will be displaced in the fall to make way for the construction of a parking garage at the intersection of Beaver Avenue and Fraser Street. He told Council that they were having difficulty locating comparable housing and asked that the garage construction be delayed for one year. Council refused to consider the request, noting that the Borough has worked with property owners to delay any building demolition until existing leases expire (these at the end of July) and noted the 15 percent vacancy rate in rental units throughout the greater State College area.

**Walnut Springs Park: Wetlands Project.** Robert Rightmeyer, 785 Walnut Spring Lane, read an excerpt from the Borough's latest newsletter which states, "An example...is the grass lined swale below the Orchard Park detention basin, which was installed by a group of boy scouts...." He wondered why the Borough had installed the wetlands project without consulting the abutting neighbors. Mr. Fountaine said the swale is not part of the wetlands project; that project is being designed for Walnut Springs Park and will be discussed with Council within the next couple of weeks. Neighbors will be notified of the meeting when it has been scheduled. Mr. Rightmeyer stated that the neighborhood recently submitted a letter to Council opposing the wetlands project. Mr. Kern countered that the letter actually said the neighbors wanted to see a design before they would comment. Mr. Rightmeyer chastised Council for installing a new sign for the park that is not made of wood. Mr. Whitfield said the sign matches the Lederer Park sign on the opposite side of the road.

**Highlands Neighborhood Traffic.** Mike Poorman, a resident of 510 East Prospect Avenue representing the Highlands Neighborhood Association, asked why it has taken Council so long to correct the problems they are experiencing with traffic. Since Council first took on this project 30 months ago by installing a diverter on Foster Avenue at University Drive, the traffic has doubled on streets to the south of Foster, and vehicle speeds have been clocked up to 50 miles-per-hour. He requested action be taken swiftly to lighten the traffic through that neighborhood. Eric M. Snyder, 517 Hetzel Street, echoed Mr. Poorman's concerns. He expressed frustration that decisions are taking so long and suggested that, in the short term, Council act to reduce the speed of vehicles in the Highlands. Mr. Kern said decisions are taking a lot of time because the traffic patterns in that neighborhood are not distinct. To do a good quality job, he thought an origin-and-destination study should be completed. The traffic counts that the Transportation Commission now has took a long time to collect because State College is a seasonal community and because additional data had to be collected in an attempt to ascertain why the traffic patterns are not distinct in that neighborhood. Mr. Kern added that the Transportation Commission is working on the problem. Ms. Knauer asked if some mitigation effort could be included as part of the reconstruction of Garner Street this summer. Ms. Story said it could but the approved process for changing patterns would have to be followed, and it is lengthy.

## **PUBLIC HEARINGS**

**Zoning Ordinance: Amendment to Require New Deeds with Approved Replots.** The only subject specifically set aside to obtain public input was a proposal to amend the zoning ordinance to require new deeds be recorded in conjunction with approved subdivision and lot consolidation plans.

Mr. Fountaine recalled that, on March 15, Council received a recommendation from the Planning Commission to amend the zoning ordinance to require that new deeds be recorded whenever a lot addition or replot is approved and to provide an electronic file copy of the approved plan. The Borough's current regulations do not require a new deed to be recorded, which leads to problems in tracking deeds and tax parcel numbers. Because the County Assessment Office does not assign a tax parcel number until a deed is recorded, many consolidated lots continue to carry two tax parcel numbers even though the land is one lot. With a concurrent recordation of the deed, the new parcel would automatically be assigned a single tax parcel number and the Borough's records could be corrected.

Mayor Welch called for audience participation; there being no one to come forward, he returned the subject to Council.

Ms. Knauer moved to authorize publication of Council's intent to enact this ordinance on April 19. Mr. Kern seconded her motion, and it was approved by the whole of Council.

## CONSENT ITEMS

**Special Activity: Greek Week Festivities.** The first item of Consent was to take action on a request to use parts of Fraternity Row and Fairmount Avenue for Greek Week festivities.

Mr. Fountaine distributed a request to use Fraternity Row, Fairmount to Foster, and Fairmount Avenue, Garner to Locust, on April 16, from noon until 7:30 p.m. (rain date, April 17). The closings are being requested for Greek Week, an event held every year for Penn State's Greek councils. He mentioned that Centre Optical Services, 507 Locust Lane, has been contacted. They have no problem with the activity providing access to their establishment from East Fairmount Avenue is maintained during their regular business hours.

Upon motion of Ms. Knauer, second by Mr. Humphrey, Council voted unanimously to approve the use of these streets, as described, contingent upon East Fairmount Avenue remaining open until at least 3:00 p.m.

**Special Activity: Youth Triathlon.** The next item was to take action on a request to use part of the Orchard Park bicycle path to conduct a youth triathlon.

Mr. Fountaine described an application to use the Orchard Park bicycle path from the Welch Pool to Blue Course Drive to conduct a youth triathlon. The activity will be held on August 14 (rain date, August 21), from 9:00 a.m. to noon. Thirty to sixty people are expected to participate in this event.

Upon motion of Ms. Knauer, second by Mr. Humphrey, Council voted 7-0-0 to approve the use of the bicycle path, as requested, for this purpose.

**Police Union Contract: 2004-2006.** The last item of Consent was to approve a collective bargaining agreement between the Borough and State College Police Officers' Association.

Mr. Fountaine reminded Council that the collective bargaining agreement between the Borough and its police officers expired at the end of 2003. Under the terms of the state law governing negotiations with public safety employees, the deadline for filing for impasse arbitration is in September of the year in which the contract expires. In accordance with that law, the officers' union submitted its request for arbitration in September, even though negotiations between the parties had not yet begun. Pursuant to their request, an arbitrator was selected and a hearing was scheduled for April 8. Meanwhile, the first meeting to discuss a new contract was held in December, 2003, and negotiations continued into 2004. On March 24, a tentative agreement was reached by management and union representatives. On March 31, officers voted to approve the tentative agreement, and Council's approval of the settlement on behalf of the Borough is now recommended. The terms of the tentative agreement include:

- Three-year agreement, with wage increases of 4% for 2004, 3.75% for 2005, and 3.75% for 2006;
- Advance notice required on schedule changes and overtime for special events;
- Officers required to appear in court on civil matters will be compensated on the same basis as those required to appear for criminal matters;
- Pension changes to clarify language and to comply with state-mandated benefits under Act 30 of 2002;
- Point-of-service health plan will be discontinued, and all officers will be covered under the HMO;
- Bereavement leave for officers experiencing a death in their immediate family increased from three to five days;
- Tuition for eligible coursework reimbursed at amounts paid for comparable courses at Penn State or the actual tuition amount, whichever is less;
- Added "premium holidays" for New Year's Day and Thanksgiving Day, when officers receive time-and-one-half for all hours worked (Christmas is the only "premium holiday" now); and

- Reimbursement to retired officers for health insurance premiums increased from \$100 to \$125 per month.

Ms. Knauer moved to ratify the agreement reached by Borough and union representatives, and authorize the President of Council to sign it on behalf of Council. Mr. Daubert seconded her motion, and it carried by a vote of 7-0-0.

**BIDS/CONTRACTS/AGREEMENTS**

**Bids: Bituminous Patch Material.** The only item of this category was to take action on bids received for bituminous patch material.

Bids for bituminous patch material for the 2004 construction season were opened on March 30, Mr. Fountaine said. Five vendors expressed an interest in providing offers; three submitted bids:

Quantity and Material Bid	Glenn O. Hawbaker	New Enterprise Stone & Lime	HRI
100 Tons-Cold Patch	\$ 3,000.00	\$ 3,500.00	\$ 3,400.00
200 Tons-FJ-1	8,400.00	7,000.00	7,200.00
100 Tons-BCBC	2,600.00	2,440.00	2,600.00
300 Tons-ID-2	8,400.00	8,925.00	9,000.00
100 Gallons-Tack Coat	300.00	NO BID	150.00
900 Gallons-AC-20	3,600.00	NO BID	1,800.00
Total Material Cost	\$ 26,300.00	\$ 21,865.00	\$ 24,150.00

He noted that prices listed are not delivered prices; Borough crews travel to the vendor’s plant to pick up the material on an as-needed basis. To more accurately compare bid costs, the pickup cost is added to the cost of the material to determine the low bidder. In determining the Borough’s cost to pick up patch, a portion of the average depreciation for the dump trucks used is added to the fuel costs for the trucks, and this figure is added to the labor costs to operate the trucks, to arrive at a cost-per-mile of \$0.97. That cost-per-mile figure is multiplied by the round-trip distance between the Borough’s Service Building and the bidder’s plant, and this figure is then multiplied by the estimated number of trips made to pick up material during the patching season. During an average season, the Borough uses approximately 700 tons of patch material and is able to carry approximately 5.5 tons per trip. Using these figures, the estimated 127 round trips to the plant to pick up material, and the pickup costs added to the material cost, the apparent low bidder is HRI, Incorporated.

Mr. Kern moved to award the bid for bituminous patch material for the 2004 patching season to HRI, Incorporated, in amount \$24,150.00. Ms. Goreham seconded his motion, and it was approved by a vote of 7-0-0.

**ABC RECOMMENDATIONS**

**Beaver Avenue Parking Garage: Traffic Impact Study.** The only item referred by an advisory group was a recommendation from the Transportation Commission to implement pedestrian and vehicle traffic changes surrounding the Beaver Avenue parking garage.

Mr. Fountaine reported that, on March 23, the Transportation Commission considered and approved a recommendation from staff and the Borough’s transportation consultant, Trans Associates, suggesting certain traffic patterns be put in place for vehicles and pedestrians in conjunction with the siting of a parking garage at the corner of Beaver Avenue and Fraser Street. At its work session on April 2, Council amended the Commission’s recommendation, resulting in the following:

- (1) maintain a 2-way traffic pattern on the 100 block of South Fraser Street;
- (2) maintain a 1-way traffic pattern northbound on the 200 block of South Fraser Street;
- (3) upon redevelopment, provide a sufficient right-of-way to construct a future 3-lane cart way on Fraser Street from Highland Alley to College Avenue;
- (4) work with the University to mitigate southbound Burrowes Road traffic signal levels of service failures at College Avenue;

- (5) provide wide sidewalks and crosswalks along the 100 and 200 blocks of South Fraser Street and the 200 block of West Beaver Avenue; and
- (6) eliminate the existing offset traffic pattern and reconfigure a + intersection at Beaver/Fraser, including south side improvements as part of the project.

*[It is noted here that the Transportation Commission's recommendation to eliminate the dedicated left turn arrow for northbound Burrowes Street traffic at College Avenue was left out of Council's proposal as was the reconstruction of the Beaver/Fraser intersection as part of the bond issue being let for the construction of the parking garage.]*

Ron Seybert from Trans Associates presented their findings regarding the traffic study, noting that the recommendations are based upon assumptions that the garage entrance will be off Beaver Avenue and the exit on to Fraser Street. Trans Associates not only calculated the projected flows to and from the garage during three daily peak traffic periods but did comparative analyses using current counts as well as projecting the increase in vehicles with a 2 percent growth rate up to and including the year 2015. The result is the existence of an acceptable level of service without the garage and a continued degradation of service at the intersections of Beaver/Fraser, Beaver/Allen, and Beaver/Burrowes with the garage in place. He then showed an animated model of vehicle pattern projections, noting the need for the improvements listed above.

Mr. Daubert moved to approve the changes listed above as (1) through (6). Ms. Knauer seconded the motion, and it was approved unanimously.

#### **OLD BUSINESS ITEMS**

**Schematic Design for the Beaver Avenue Parking Garage.** The only item of Old Business was to approve the schematic design for the Beaver Avenue parking garage.

Mr. Fountaine reminded Council that, at the work session on April 2, members received a schematic design package from Timothy Haahs & Associates for the Beaver Avenue parking garage. This design represents the development of the parking structure plans to date, including the façade design developed as a result of the design charrette held on March 3 and 4 and the follow-up session held March 18. To meet the scheduled occupancy of the commercial space in July, 2005, approval of the schematic design package is needed at this time. This approval, he said, will enable the architect to proceed to the design development phase of the project. During this phase, the building plans and architectural façade treatment will be refined, other design details developed, and the first cost estimate prepared.

Robin Neff, Project Manager for the garage, said the design is limited by sloping land and existing 1-way traffic patterns. To achieve 500 spaces, she showed the structure in scale with surrounding buildings, noting that it will exceed the 65-foot height limit by approximately seven feet. That height will be softened by an inset of 18 feet off Beaver Avenue to the commercial areas, and a 30-foot setback to the actual parking garage on both Beaver Avenue and Fraser Street. A curved elevator shaft and glass staircase was introduced to detract from the boxy appearance and to complement the church across Fraser Street. She added that a canopy across the front of the building produces an acceptable pedestrian scale and lessens what could be a looming affect from the tall structure. Ed Rahme, Project Architect, said the building will be made of pre-cast concrete, chosen because of its ability to blend in color and make use of other materials. The stairs will be enclosed with shadowed and glazed glass and stainless steel will surround the mechanicals on the roof to match the materials and colors over the canopy. Some Council members expressed concern with the use of stainless steel, while others thought it was an acceptable material.

Mr. Meyer moved to approve the schematic design for the structure and authorize Timothy Haahs & Associates to proceed to the design development phase of their work. Mr. Kern seconded his motion, and it was approved by the unanimous vote of Council.

## NEW BUSINESS ITEMS

### **Reimbursement for Expenditures Associated with the Construction of the Beaver**

**Garage.** The first item of New Business was to enact a resolution of intent to reimburse the Borough's general fund for expenditures associated with the construction of the Beaver Avenue parking garage.

Mr. Fountaine shared a Resolution evidencing Council's intent to reimburse itself for expenditures from the proceeds of bonds or notes that will be issued to cover costs related to the Beaver Avenue parking garage. The costs to be reimbursed include, but are not limited to, real estate acquisition(s), appraisals, and other preliminary costs. The estimated amount for these expenses is estimated to be \$3,500,000.00, and the total amount of the bond issue (including the \$3.5 million) is anticipated to be \$13 million. He recommended it be approved.

Upon motion of Ms. Knauer, second by Mr. Daubert, Council voted 7-0-0 to enact the Resolution.

### **Zoning Ordinance: Amendment to R-OA Regulations Regarding Lighting Standards.**

Next, Council was asked to receive a proposal to amend the zoning ordinance regarding lighting standards in the R-OA district.

Mr. Fountaine advised that the State College Area School District needs to replace deteriorated light standards and fixtures at Memorial Field. Replacement of the standards will be coupled with an upgrade of the fixtures to meet current PIAA lighting guidelines. When the Borough rezoned Memorial Field and the School District's Nittany Avenue offices from PA to R-OA, he said, one outcome was a change in lighting regulations for outdoor facilities (Section 2706.d of the lighting regulations), which is applicable to Memorial Field. Under PA zoning, the maximum height for this type of lighting was 70 feet; under R-OA, the maximum height is reduced to 15 feet. And, under PA zoning the maximum illumination level at the property line was .5 footcandles; under R-OA this level is reduced to .2 footcandles. Staff met with representatives of the School District to review options for addressing the District's need to install new lighting and it was determined that the best option was an amendment to the Borough's lighting ordinance. The School District requested the regulations reinstate the 70 foot height limit for light fixtures and increase the maximum illumination level to 2.5 footcandles measured at the opposite side of any adjacent right-of-way. For reference purposes, he noted that, when Council was considering adoption of the lighting ordinance, illumination levels were measured on the sidewalk adjacent to the west side of Memorial Field. At that time, the illumination level was 13.8 footcandles. Staff is suggesting a more appropriate way to determine the location for measuring the maximum light level is to specify a distance in feet from the property line of the parcel where the lights are located rather than stipulating the measurement will be taken "at the opposite side of the adjacent right-of-way." To limit the potential effect of this type of lighting in the R-OA district, staff recommends this measurement be taken 50 feet from the property line, which is more site-specific than the School District's suggested language. The School District would like to have the new lights in place prior to the start of this fall's sports season, Council is being asked to schedule a public hearing and publish its notice of intent to adopt the amendment on the same date, May 17th.

Ms. Knauer moved to receive the proposal, refer it to the planning agencies for review, schedule a public hearing to be held on May 17, and authorize Council's intent to enact the amendment immediately following the public hearing. Ms. Dauler seconded her motion, and it was approved unanimously.

**Replot of Lots 6 and 7, Walnut Spring Lane.** Council was next asked to take action on a request to subdivide two lots.

Mr. Fountaine noted that the Smith Partnership owns two contiguous building lots (Nos. 6 and 7) along Walnut Spring Lane; both lots are zoned R-2. Lot 6 abuts Lederer Park, which is owned by the Borough. The Smiths propose to give the rear portion of each of these lots to the Borough so the land can be added to the Park. In total, .23 acres is being offered. He explained that the subdivision moves the lot lines to reduce the size of lots 6 and 7 and adds

the residual to Lederer Park. In addition a 1-acre parcel, owned by the Borough that forms an island within the Park (lot addition c), is merged into the larger holding.

Upon motion of Ms. Dauler, second by Mr. Humphrey, Council voted 7-0-0 to approve the replot, as described.

**Downtown Surveillance Oversight Committee.** The next item was to consider a change in the membership of the Downtown Camera Surveillance Oversight Committee.

Mr. Fountaine reported that, on March 19, Council briefly discussed a change in the makeup of the committee charged with overseeing the use of surveillance cameras in the downtown. At the time, it was suggested that one member of the Committee, who is now a retired Council member, be dropped and the President and Vice-President of the Off-Campus Student Union be added to the membership roster. Currently, the President and Vice-President are Paul M. Cronin and Christopher M. Babic, respectively, but would change when a new President and Vice-President are elected. Because the Council-approved Use of Public Camera Policy dictates the membership of the oversight committee, Council should approve these changes.

Ms. Knauer moved to approve the change in membership of the Downtown Camera Surveillance Oversight Committee. Mr. Kern seconded her motion, and it carried by a vote of 7-0-0.

**Storm Water Detention Pond: Agreement with the State College Area School District.**

The last item of New Business was to consider an agreement with the School district for the construction of a storm water detention pond on the soccer fields.

On January 23, Mr. Fountaine said, Council discussed a proposal to construct and operate a storm water detention facility on the soccer fields. The soccer fields are part of a natural drain that can be used to restrict runoff and reduce potential flooding of downstream properties and buildings. Construction of the pond is estimated to be about \$515,000.00. An agreement was approved by the School Board, and the Board is working with the Centre Region Parks and Recreation Director to schedule the use of Orchard Park for the high school fall soccer season, as well as evaluating other locations for conducting fall athletics.

Upon motion of Ms. Knauer, second by Ms. Dauler, Council voted 7-0-0 to approve the agreement and authorize execution of it.

## **OFFICIAL REPORTS AND CORRESPONDENCE**

**Mayor's Report.** Mayor Welch said that, on Saturday last, he attended the Clean Energy Expo at the Bryce Jordan Center as well as a performance of Powwow at the Mount Nittany School. Powwow is an American Indian celebration of community and spirituality, featuring American Indian drum and dance as well as American Indian vendors offering American Indian arts and crafts items.

**President's Report.** President Daubert announced two executive sessions, one held on March 18, and one held April 2, to discuss personnel matters and real estate.

He also acknowledged a letter he received from a resident of the College Heights neighborhood requesting Council intervention to resolve a traffic problem on West Park Avenue. He asked that it be an item for discussion on the April 30 agenda.

### **Staff/Committee Reports.**

**Street Lighting.** At the March 1 Council meeting, Mr. Whitfield said, members of the Off Campus Student Union and the Undergraduate Student Government requested Council consider installing additional street lighting at various locations in the Borough. Council agreed and instructed staff to work expeditiously to install lights on existing poles where no objection is raised. Mr. Whitfield identified areas where lights could be installed for the cost of additional electricity, which included Orchard, Apple and Berry Alleys, and Hamilton Avenue. If all the existing poles are used, it would add 21 lights at a cost of about \$9.00 per

pole per month. Resident opinions along these corridors are currently being polled. Meanwhile, the students are working with the Downtown Improvement District to have lights placed on private properties along Calder Way; a blue light emergency phone is being investigated for testing along Calder; and staff is examining alternate lighting options as part of the reconstruction of Garner Street this summer. Mr. Kern and Ms. Knauer expressed concern that lower, less costly light standards along Garner Street would be targets for vandals, and they would have to be replaced on a continuing basis. Mr. Whitfield noted that the installation of any fixture would have to be approved by Council.

**Ordinance Enforcement Actions: First Quarter, 2004.** Mr. Henry distributed a report on the enforcement activities of the Health Department for the first quarter of 2004. The report covers failure to remove snow from sidewalks; accumulated refuse and litter; rental housing permit violations; animal citations; and food establishment infractions. He noted that the biggest difference is in snow violations, due to an increase in the amount of snow this year over last. A number of other violations have increased, but not significantly. Several Council members asked about the procedure for removing snow whenever a property owner fails to do it, and Mr. Henry counseled that a contractor is hired following an owner's third and subsequent failures to remove snow. Members also questioned the apparent reluctance of staff to revoke rental permits for infractions of the law. Mr. Fountaine said there are currently three properties that would qualify for a cease-and-desist order under the current policy; however, staff is in the process of revising that policy and did not want to revoke a rental permit until Council has had an opportunity to act on the new regulations.

There being no other business to come before Council, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

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Barbara J. Natalie  
Assistant Borough Secretary