

State College Borough Council
March 15, 2004

The State College Borough Council met on March 15, 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; 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; Herman L. Slaybaugh, Zoning Officer; Lucy B. Hoover, CDBG Planner; Michele Nicolas, Director of Personnel; 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.

PUBLIC HEARINGS

Zoning Ordinance: Amendments to the Off-Street Parking Regulations. The only item set aside specifically to hear comments from the public was a proposal to amend the zoning ordinance to change the off-street parking regulations.

Mr. Fountaine told Council that, on February 2, members received the Planning Commission's recommendations for amending the off-street parking ordinance and scheduled this public hearing. The revisions were designed to fragment massive parking areas through the use of landscaping, reduce the number of spaces that may be on a site, improve storm water recharge, permit pervious surface materials, and reduce the number of compact car spaces required from 50 percent of the total number of spaces to 25 percent of the total.

Mayor Welch called for audience participation; there being none, he returned the subject to the table.

Ms. Knauer had only one question, which involved the differing six inches of stone required for lots used by commercial establishments and the four inches at residences. Mr. Slaybaugh said the difference has to do with the weight of vehicles using the lot; most residences do not have heavy vehicles going in and out of driveways on a daily basis.

Ms. Knauer moved to authorize publication of Council's intent to enact this ordinance on April 5. Ms. Goreham seconded her motion, and it carried by a vote of 7-0-0.

CONSENT ITEMS

ABCs: Membership on the Design Review Board. The first item of Consent was to take action to appoint members to the Design Review Board (DRB).

Mr. Fountaine noted that two slots on the DRB have to be filled. First is an existing vacancy, which can be filled immediately; the second is a vacancy that will be created when one of the members resigns next month to devote his time to the Planning Commission. Council reviewed the applications for this advisory group and nominated two candidates to fill the positions. The candidates have affirmed that they are willing to serve in these positions.

Upon motion by Ms. Dauler, second by Mr. Humphrey, Council voted unanimously to appoint Zoe Boniface as a member of the Design Review Board, effective immediately, for a 4-year term that will expire on December 31, 2007, and Kevin J. Gombotz, effective April 6, 2004, to fulfill the unexpired term of Richard Schuhmann, whose term would have expired on December 31, 2005.

Special Activity: Concerts in the Park. Next, Council was asked to take action on an application to use part of Fraser Street for concerts to be held in Central Parklet.

Mr. Fontaine distributed an application from the Downtown Improvement District (DID) to use part of the 200 block of Fraser Street in conjunction with the summer concert series being held in Central Parklet. Concerts will be held on Tuesdays, July 20, July 27, August 3, and August 10. To accommodate the Lions Club's food van and other vendors serving this activity, the DID is requesting traffic on Fraser Street be rerouted from Foster Avenue to the left lane of Fraser past the Parklet (a configuration similar to that utilized during the Arts Festival), between the hours of 2:00 and 9:30 p.m. Mr. Fontaine noted that prior approval for use of the Parklet was given by the Parks & Recreation Department.

Upon motion by Ms. Dauler, second by Mr. Humphrey, Council voted 7-0-0 to approve the use of the 200 block of Fraser Street, as described, for these concerts.

Special Activity: Spring Festival in Fraser Plaza. The next item was to approve the use of Fraser Plaza for a spring festival.

Mr. Fontaine described a request from the DID to use Fraser Plaza on April 3rd for a spring festival. The festival, he said, will be held from 11:00 a.m. until 2:00 p.m.

Upon motion by Ms. Dauler, second by Mr. Humphrey, Council voted unanimously to approve the use of Fraser Plaza, as described.

Special Activity: Sidewalks for the AIDS Walk. The last item of Consent was a request to use sidewalks for the conduct a walk to benefit the AIDS Project.

Mr. Fontaine shared an application to use sidewalks along Burrowes Street and Foster Avenue to conduct the Red Ribbon AIDS walk. The walk is to be held on April 18 from 9:00 a.m. until 6:00 p.m. Mr. Fontaine noted that the walk will begin and end at Central Parklet but most of it will be held on campus.

Upon motion by Ms. Dauler, second by Mr. Humphrey, Council voted 7-0-0 to approve the use of sidewalks, as described, for this purpose.

ABC RECOMMENDATIONS

Zoning Ordinance: Amendment to Require New Deeds with Lot Additions and Replots.

The first item referred to Council by an advisory group was a recommendation that new deeds be recorded with the recordation of lot additions and replots.

Mr. Fontaine distributed a zoning amendment, prepared by staff, that would require a new deed to be recorded whenever a plan is approved and recorded that authorizes a shift in or elimination of lot lines or the creation of a new lot. He reported that the County's subdivision regulations as well as most surrounding townships have this requirement. 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 for replotted lots. 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. The Planning Commission reviewed staff's draft ordinance on March 3rd and recommended Council adopt it.

Ms. Knauer moved to receive the amendment and schedule a public hearing to be held regarding it on April 5. Ms. Goreham seconded her motion, and it was approved by the whole of Council.

Signboards Denoting Vehicle Speeds. The only other item recommended for adoption by an advisory board was the use of municipal rights-of-way for speed signboards.

Mr. Fountaine advised that the Transportation Commission met on February 17th and recommended Council approve a request to position speed signboards along Borough streets. The request was initiated by All Traffic Solutions (ATS) of State College, who approached the Police Department requesting permission to place these signboards on various streets. ATS is testing new software for the signboards and wants to do so without having to travel out of the area to retrieve the data. ATS is asking for permission to place a signboard on Easterly Parkway and then to move it to other locations at various intervals. The 4- to 5-foot high signs would be located in the grassplot area. ATS agrees to be responsible for any maintenance and/or damage to the signs. No time for placement or removal has been established. Before bringing this item to Council, staff contacted the Borough Solicitor regarding potential liability issues. The Solicitor was not concerned about liability if the signs are placed and used as described. The only obligation the Borough would have is to authorize the use of public rights-of-way for this purpose.

Ms. Knauer moved to approve the request. Ms. Dauler seconded the motion.

Mr. Daubert was concerned that no time limit was given for the signs to be discontinued, residents had not been consulted about placing these signboards in front of their homes, and the signs could be used for enforcement. Mr. Fountaine pointed out that Council could set a time limit as part of its approval or revoke its permission should the signs be problematic. He said residents have not been contacted because the signs are to be moved periodically and it is unknown at this time where they will be positioned. And, he added cannot be used for enforcement purposes. Mr. King mentioned that the signboards will record the number and speed of vehicles; that data will be used by ATS and can be shared with the Borough. When Mr. Humphrey asked, Mr. Whitfield said staff has vehicle speeds on record, which can be compared with those recorded by the signboards.

The question was called, and Council voted 7-0-0 to approve Ms. Knauer's motion.

VOUCHERS. Upon motion of Ms. Knauer, seconded by Mr. Kern, Council voted unanimously to receive vouchers for the month of February for the Borough of State College in amount \$1,793,827.07, and, acting as agent for the Centre Region Council of Governments, vouchers totaling \$448,348.22.

MINUTES. Ms. Knauer moved to approve minutes of previous meetings, as submitted and as follows:

- A. Regular Meeting, February 2, 2004;
- B. Work Session, February 9, 2004;
- C. Regular Meeting, February 17, 2004;
- D. Work Session, February 20, 2004; and
- E. Work Session, February 27, 2004.

Ms. Dauler seconded the motion, and it was approved unanimously.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mayor Welch mentioned today's date, a pivotal day in the history of Roman government, and his 29th wedding anniversary.

President's Report. President Daubert announced an *executive session* to be held following this meeting to discuss personnel matters and the potential purchase of land to be used for municipal purposes.

Staff/Committee Reports:

CDBG/HOME Consolidated Annual Performance & Evaluation Report. Mr. Fountaine announced the completion of the CDBG/HOME Consolidated Annual Performance and Evaluation Report. He noted that federal regulations require all Community Development

and Block Grant (CDBG) entitlement communities and HOME Investment Partnerships Program (HOME) participating jurisdictions to prepare and submit to the United States Department of Housing & Urban Development (HUD) a Consolidated Annual Performance and Evaluation Report (CAPER). This report summarizes the expenditures and activities of the CDBG and HOME programs during the most recently completed program year. Staff prepared State College's report for 2003, which, he said, will be submitted to HUD on or before the close of March 29. The report was provided to Council under separate cover.

Beaver Parking Garage. Mr. Fountaine reminded Council of the open house on the Beaver parking garage and presentation of design to public officials on Thursday, March 18.

ITEMS OF INFORMATION

Penn State's Code Enforcement Program. Mr. Kern informed Council that the Centre Region Council of Governments' (COG) Code Administration Committee would be meeting on March 17 to discuss its agreement with the University for building inspection services and the state-wide building code's effect on the University's construction projects. The COG Executive Committee would also discuss this matter, he said, on March 16.

PLCM Conference – 2004. Ms. Goreham, Ms. Knauer, and Ms. Dauler gave a report on their recent attendance at the National League of Cities conference in Washington, D.C. They discussed probable future reductions in funds for local governments. Everyone, including the Manager, agreed that personal visits to our representatives will be more critical than ever so that they know how essential that funding affects the services local governments can provide. Mr. Daubert pointed out that a similar situation exists at the state level where they are suffering reduced federal funding with increased unfunded mandates; this lack of funding trickles down to local governments from both levels, he noted.

There being no other business to come before Council, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Barbara J. Natalie
Assistant Borough Secretary