

State College Borough Council
January 5, 2004

OATH OF OFFICE

President Judge Charles C. Brown, Jr., administered the Oath of Office to the newly-elected Council members:

Thomas E. Daubert, Council Member
Catherine G. Dauler, Council Member
Craig R. Humphrey, Council Member
Jeffrey R. Kern, Council Member

Following the swearing-in, Mayor Welch called the meeting of the 2004-2005 Council to order.

Present: Bill Welch, Mayor
Thomas E. Daubert
Catherine G. Dauler
Elizabeth A. Goreham
Craig R. Humphrey
Jeffrey R. Kern
James H. Meyer

Absent: Janet K. Knauer

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; Michael S. Groff, Director of Finance; Mark A. Whitfield, Director of Public Works; Carl R. Hess, Planning Director; Herman L. Slaybaugh, Zoning Officer; Michele Nicolas, Human Resources Manager; members of the media; and other interested observers.

ORGANIZATION OF COUNCIL. Mayor Welch presided over the election of a Council President.

Mr. Meyer moved to select Thomas E. Daubert as Council's President for the 2004-2005 Council. Ms. Dauler seconded his motion, and it carried unanimously.

PUBLIC HOUR. Arthur S. Beward, 333 East Foster Avenue, related a conversation he had with C-NET (government education channel) volunteers, who told him new equipment is on the way to improve the audio of meetings televised from the Council Chambers. He hoped Council would continue to monitor the quality of C-NET's broadcasts for the benefit of residents.

CONSENT ITEMS

Special Activity: American Lung Association Walk. The first item of Consent was to take action on a request to use sidewalks for a special activity.

Mr. Fountaine distributed an application from the American Lung Association, requesting permission to use sidewalks throughout the downtown and Highlands neighborhood to conduct a walk to raise money for their Association. The walk is to take place on October 2, 2004, from 7:00 a.m. until 2:00 p.m., beginning and ending in Central Parklet.

Upon motion of Mr. Daubert, second by Ms. Dauler, Council approved the request, as described, for the stated purpose.

ABCs: Membership On... The only other item of Consent was to appoint several nominees as members of advisory groups.

Ms. Goreham moved to appoint the following persons to the listed advisory groups:

Member	ABC Group	Appointment
Edward G. Buss	Authorities Board	Reappoint to 12-31-2008
William D. Taylor	Board of Health	Reappoint to 12-31-2008
William D. Burgos	Water Authority	Reappoint to 12-31-2008
Donald Zettlemyer	Civil Service Commission	Reappoint to 12-31-2009
Mark H. Bergstrom, Robert T. Ott, and Martin L. Shields	CDBG Citizens Advisory Committee	Reappoint to 12-31-2007
John R. Hiester and Lara D. Kauffman	Design Review Board	Reappoint to 12-31-2007
Robert Seibel	Local Tax Appeals Board	Reappoint to 12-31-2005
Robert D. Klingler	Regional Tax Appeals Board	Reappoint to 12-31-2006
Richard S. Schuhmann and William F. Ryan	State College Planning Commission	Appoint to 12-31-2007
Philip Stebbins	Rental Housing Revocation Appeals Board	Reappoint to 12-31-2006
Nicholas C. Bolgiano	Tree Commission	Reappoint to 12-31-2006
Wayne A. Bicehouse	Zoning Hearing Board	Reappoint to 12-31-2006
Jerry Wettstone	Community Land Trust	Reappoint to 12-31-2006
Catherine G. Dauler	Downtown Neighborhood Improvement District Management Association	Reappoint to 12-31-2005

Mr. Daubert seconded her motion, and it carried by a vote of 6-0-0.

ABC RECOMMENDATIONS

Planning Commission's Work Program (2004) Amended. The first item forwarded by an advisory group was to consider a recommendation to amend the Planning Commission's work program for 2004.

Mr. Fontaine described a revised work program submitted for endorsement by Council from and for the State College Planning Commission. He noted the program includes several new items.

Item 10, reconsidering the zoning provision that addresses the reuse and alteration of nonconforming buildings, is a response to several projects reviewed by the Commission that involved converting an existing non-residential building to housing, he said. The Commission believes the amount of structural changes to the buildings and the density of these projects were excessive and that changes may be needed.

Items 9, 11, and 12 incorporate specific recommendations from the downtown plan that were assigned to the Commission. Much of the ground work on these items will be prepared by the ad hoc committee of the Planning Commission and Downtown State College.

Item 13, which focuses on the amount of off-street parking required for residential developments in downtown, surfaces periodically and was most recently considered in 2001-2002.

Item 16, how to improve the regulation of temporary and "non-traditional" signs, has been discussed by the Commission for some time but not formally placed on the work program until this year. The issue of "non-traditional" signs may prove difficult to address because it deals with items such as how to regulate building design, colors, and paint schemes that are clearly intended to function as corporate images. With respect to temporary signs, the most important issue will be enforcing whatever regulations are finally adopted.

Item 14, reviewing impervious lot coverage permitted in all zoning districts, was spawned by increased attention given to storm water management throughout the Spring Creek watershed.

Mr. Fontaine recommended that Council approve the revised program.

Ms. Goreham moved to approve the revised work program for the Planning Commission, as described by the Manager. Ms. Dauler seconded her motion.

To prevent a misinterpretation of the area where housing redevelopment regulations are to be applied, Mr. Kern asked that Item 6 clarify that only “*a portion of the Highlands*” is affected. He also requested Items 7, 9, 13, and 17 be coordinated with the Transportation Commission.

When the question was called, Council voted unanimously for Ms. Goreham’s motion.

OLD BUSINESS ITEMS

Zoning Ordinance: Amendments to Include Fire Officials in the Land Review Process.

The only item of Old Business was to receive two proposals to amend the zoning and subdivision ordinances and the Fire Code to include fire officials in the land review process.

In July, Mr. Fountaine said, Council received a proposal from the Code Enforcement Department to include fire officials in the land review process and referred it to the Planning and Water Authority staff requesting they draft amendments to the zoning and subdivision ordinances for Council’s consideration. That being accomplished, he recommended Council receive the suggested changes and schedule a public hearing on them. Action on the amendments, he noted, cannot be taken until February 17.

Upon motion of Ms. Dauler, second by Mr. Daubert, Council voted 6-0-0 to receive the draft documents and schedule a public hearing to be held on February 2.

NEW BUSINESS ITEMS

Parking: “Police Only” on Pugh Street. The first item of New Business was to consider a proposal to designate one parking space on Pugh Street for “*police vehicles only.*”

Mr. Fountaine informed Council that the new District Justice, John Grine, will occupy an office at the southeast corner of Pugh Street and Calder Way. To accommodate prisoner transportation to his office by all Centre County police agencies, a “*Police Vehicle Only*” parking space is being requested by the Centre County Court Administrator’s office. He suggested that Council comply with the request.

Ms. Dauler moved to remove the first parking meter on South Pugh Street south of Calder Way and replace it with a space signed “*Police Vehicles Only.*” Ms. Goreham seconded her motion.

Mr. Meyer recognized the need for the space but, to maintain it for public parking during those times when the police had no need to park there, suggested the meter be *bagged* when needed. Chief King pointed out that would not work because the District Justice is often on call at odd hours and someone may be parked in the space. He also noted that having a designated space enhanced the secure transport of prisoners. Mr. Meyer insisted that the Pugh Street parking garage attendant could bag the meter as a matter of routine. Ms. Dauler felt “*bagging*” had the potential for confusion; she preferred a clear directive to motorists. Mr. Meyer believed his idea was feasible and wanted to try it. Mayor Welch asked if use of the adjacent loading zone was considered. Chief King said it was but rejected because, again, it may be occupied when needed and they did not want to send mixed messages to those who were asked not to park in the travel lanes to conduct business.

Mr. Meyer moved to amend the motion to keep the parking meter and “*bag*” it when needed for police vehicles. His motion was lost for lack of a second.

On the main motion, Council approved it by a vote of 6-0-0.

ABCs: Design Review Board – A Reduction of Members. The next item was to consider a proposal to reduce the number of members on the Design Review Board (DRB).

Mr. Fontaine shared an ordinance, drafted to reduce the number of members on the State College Design Review Board from seven to five. He mentioned that the ordinance was drafted at the direction of Council.

Upon motion of Ms. Dauler, second by Ms. Goreham, Council unanimously enacted Ordinance 1767, reducing the number of members on the DRB to five.

Traffic Signal Study – Contract to Perform. Next, Council was asked to consider the award of a contract for professional engineering services to optimize the use of traffic signals in the central business district (CBD).

Mr. Fontaine explained a proposal from Trans Associates, Incorporated, to study the retiming of signals in each of four downtown corridors: College Avenue, Beaver Avenue, Atherton Street and Park Avenue. Originating from a graduate class project, the results of the study were presented to the Commission for Pedestrian and Traffic Safety, which recommended the study be done. The graduate class used the only available data for their study, which were traffic counts from 1998 and 1999. At the time, it was reported that current data would need to be collected and used in order to implement any new timing plan. Mr. Fontaine noted that Trans Associates is offering a base price of \$46,000.00 to complete the study, which includes data collection and analysis of current traffic volumes to determine peak hour traffic volumes, peak hour factors, and heavy vehicle percentages. The signal system will be analyzed to determine operational efficiency associated with existing timings. A second analysis will consider the optimized signal timings, and a third will include the 3-second pedestrian lead times in this base price. Two additional offers were also listed. The first price of \$12,800.00 would include additional data collection regarding pedestrians at each of the intersections within the four corridors and the second price of \$9,700.00 would cover the analysis of traffic for a “football Friday.” Since most of the signals within the four corridors are already on “pedestrian recall” (the walk symbol comes up with each cycle) and since pedestrian counts are not required for the analysis, staff recommends this part of the study not be done.

Mr. Meyer moved to award only the base proposal of \$46,000.00 to Trans Associates at this time and consider the analysis of a special event at a later date. Ms. Goreham seconded the motion.

Mr. Daubert questioned the inclusion of certain peripheral signals in the “closed” system; he thought those signal timings should not influence the synchronization of others having heavier use. Ms. Story did not disagree; she said this would be one of the things the consultant would look at.

Mr. Daubert pointed out that the proposal does not include a start or finish date. Ms. Story said the study would begin as soon as the proposal is signed and be completed as soon as possible.

Because the amount is not insignificant, Ms. Dauler asked for assurance that PaDOT would approve any changes recommended once the study is done. Ms. Story could not guarantee that but did say that PaDOT was a part of the original study, will be kept informed during this study, and indicated that they should look favorably on the study results if current data is used.

Mr. Kern asked if performing pedestrian counts later would cost more. Ms. Story said it would not.

When the question was called, Council voted 6-0-0 to approve Mr. Meyer’s motion.

“Emergency” as it Relates to Commercial Motor Vehicles. The only other item of New Business was to consider a resolution defining an *emergency* as it relates to public works employees operating a vehicle under a commercial driver’s license (CDL).

Effective January 1, 2004, Mr. Fontaine said, state and federal motor vehicle laws were changed to limit the hours a person may operate a commercial motor vehicle (CMV). The new law requires that CDL operators be limited to 14 hours of driving without a minimum 10

hours of rest. The law does provide relief to municipalities from the requirement, as long as employees are providing services relating to the public health or safety on an *emergency* basis. For the past five years, the Public Works Department has had a policy of limiting the hours a CDL operator may drive, although there have been occasions, during emergencies, when the number of hours have exceeded 14. For this reason, a resolution has been prepared for Council's consideration, defining what constitutes an *emergency* that may require public works services and the operation of a commercial vehicle in response to that emergency.

Ms. Dauler moved to approve Resolution 851, as submitted. Ms. Goreham seconded her motion and it was unanimously approved.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mayor Welch announced that the Borough has been informed that Murata Electronics of North America will close its doors by the end of March. These 300 positions add to the 700 other lost jobs in the State College area in the past year.

There being no other business to come before Council, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Barbara J. Natalie
Assistant Borough Secretary