

Meeting Minutes
State College Borough Council
April 3, 2006

The State College Borough Council met in a regular meeting on Monday, April 3, 2006, in the State College Municipal Building Council Room, 243 South Allen Street, State College, PA. Mr. Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor
Catherine G. Dauler, President of Council
Thomas E. Daubert
Ronald L. Filippelli
Elizabeth A. Goreham
Donald M. Hahn
Craig R. Humphrey
Jeffrey R. Kern

Mr. Welch began with a moment of silence and the pledge of allegiance.

Also present: Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Borough Solicitor; Thomas Kurtz, Assistant Borough Manager; Michele Nicolas, Director of Human Resources; Mark A. Whitfield, Director of Public Works; Thomas R. King, Chief of Police; Michael S. Groff, Finance Director; Carl R. Hess, Director of Planning; Herman L. Slaybaugh, Zoning Officer/Planner; Alan W. Sam, Borough Arborist; Cynthia S. Hanscom, Assistant Borough Secretary; members of the media; and other interested members of the public.

PUBLIC HOUR – Hearing of Citizens

Delores Taricani, Greenbriar Drive, and member of the Town Center One partnership, thanked the Borough for their assistance with the relocation of the businesses to the Beaver Avenue parking facility. She said the Borough's commitment to this project provides a good example of how a successful public/private partnership can work. Ms. Taricani mentioned many staff members who were extremely helpful throughout the process of the sale of the Medical Arts building and the transfer of the businesses to the Beaver Avenue garage. She thanked the Borough again for their support and invited Council and staff members to join them in the Business After Hours on May 11 held in conjunction with the Chamber of Business & Industry of Centre County (CBICC).

PUBLIC HEARING

Zoning Amendment to Change the Review Process for Porch Enclosures and the Submission Standards for Land Development. Mr. Fountaine noted that Council received the proposed zoning amendment at its February 21 meeting and scheduled a public hearing with possible enactment for tonight. The Planning Commission recommended enactment and Planning staff concurs with the recommendation.

Ron Madrid, Vice-Chair of the Planning Commission, reported the Planning Commission received and reviewed the proposed ordinance and had no objections. As a representative on the Historic Resources Commission, he noted that group had also reviewed the ordinance and had no objections.

Mr. Slaybaugh explained the three sections of the ordinance. The first reassigns the review function for porch enclosures on contributing buildings from the Design Review Board to the Historic Resource Commission (HRC). This function was not assigned initially to the HRC because when the ordinance was created the HRC had not yet been formed. The second and third sections related to submission standards for land development plans. If the proposed project is other than a one- or two-family structure, and over 1,000 square feet in floor area, the developer must show how the building fits with the surrounding structures. The ordinance requires the developer show the site plan in the context of properties within 200 feet.

Mr. Welch asked for public comment on ordinance. There being none, Mr. Welch closed the public hearing.

Mr. Hahn moved to enact Ordinance 1839. Mr. Daubert seconded the motion, which passed with a 7-0-0 vote.

Zoning Ordinance Amendment to Make Technical Corrections in the Zoning Code. Mr. Fountaine reminded Council that they had received the proposed zoning amendment at its February 21 meeting and scheduled a public hearing with possible enactment for tonight. The Planning Commission recommended enactment and Planning staff concurs with the recommendation.

Mr. Madrid reported the Planning Commission reviewed the proposed changes to the Zoning Ordinance and found them to be complete and thorough and recommended enactment.

Mr. Welch asked for public comment on ordinance. There being none, Mr. Welch closed the public hearing.

Ms. Goreham moved to enact Ordinance 1840. Ms. Dauler seconded the motion. The vote on the motion was 7-0-0 in favor.

Four Proposed Amendments to the Zoning Ordinance. Mr. Fontaine reported the firm L Robert Kimball & Associates, on behalf of the State College Area School District (SCASD), requested amendments to four sections of the State College Zoning Ordinance. These amendments are needed to facilitate the high school reconstruction and renovation project proposed by the SCASD for their property at 653 Westerly Parkway, the site of the north high school building. Council received the proposed amendment on February 21, 2006 and referred it to the Centre County, Centre Regional and State College Planning Commissions.

Mr. Madrid reported the Planning Commission discussed the amendments and had no objections to the amendment to add school use to the PO (Planned Office) zoning district or to the increase in height. Commission members did raise concerns with the amount of permeable surface for the parking areas and Act 537 concerns but had no objections to the modification in parking lot design standards. The Commission also had no objections to the change in the number of curb cuts but expressed concern that there was no way to preclude access from South Gill Street and West Prospect Avenue. He understood that Planning staff was taking steps to address that concern.

Mr. Hess reviewed the four proposed changes to the Zoning Ordinance. The first was to add schools as a permitted use in the Planned Office (PO) zoning district. He noted there were three areas of Planned Office in the Borough: the High School North Building on Westerly Parkway, University Drive north of Easterly Parkway, and a parcel in the 1300 block of South Allen Street. The second change was to revise the height limit from 35 feet to 55 feet, with exceptions. Because height is measured from the front of the building and there is a steep slope to the rear of the property, the height of the addition will exceed the 35 foot height limit. The third change modifies the number of curb cuts. Currently the ordinance limits the number of curb cuts to two. However, the ordinance will allow a property wider than 200 feet in front to have up to four curb cuts on arterial streets. The fourth change is in the design standards for parking lots. Because an open lot is needed for the band to practice, the islands and landscape areas would be obstructive. The proposed ordinance allows for an exception for landscaped islands for schools in the Planned Office zoning district.

Mr. Filippelli asked for clarification on the access to Gill Street and Prospect Avenue. Mr. Hess noted that plans from the school do not include an access from the north side of the building. With the proposed change in the ordinance to allow for additional curb cuts, there is a possibility that an access could be built. Mr. Filippelli noted his concern with the Gill Street termination and the need to restrict access.

Council discussed the difference between a public street and private driveway. Mr. Hess explained the extension of O'Bryan Lane to the bus drop-off location could be a private street, built to Borough standards but maintained and owned by the school district.

Mr. Welch asked if there were members of the public wishing to speak on the zoning amendments. He reminded those present that this was a discussion on the merits of the zoning amendments and not specific to the renovations.

Michael Morse, 1067 Saxton Drive, expressed concern for Community Fields. The field had been used for several generations and changes to the field would impact the quality of life for residents in State College. A significant impact would be felt during the three years of construction by those who live in close proximity. The impact once a structure is built on Community Fields would be felt throughout the neighborhood and to those who have had a history of viewing Community Fields as a public open space. He noted he was opposed to the zoning change because of what the renovation would do to the field.

Harry Pionke, 606 W. Hamilton Avenue, said he lived adjacent to Community Fields and was concerned with the properties that surround the field. Although opinions on the renovations vary, everyone is unified in their concern about the possible increase in traffic. The neighborhood streets are residential and not built to handle a lot of traffic. He quoted former Prime Minister Pierre Trudeau of Canada, who remarked "the United States was a large and active neighbor" (similar to the school compared to the neighborhood), "and one could get crushed in the middle of the night by its rolling over in its sleep."

William Hartman, 534 W. Fairmount Avenue, noted that Community Fields was a treasure of the Holmes Foster neighborhood. The Holmes Foster Neighborhood Association had a meeting with the School Board on ways to minimize impact. At the top of the Association's list is to restrict access. Although foot traffic is a concern, the School Board has assured residents that there are no plans for pedestrian access from Gill Street; residents were assured that landscaped barriers were proposed to restrict pedestrian access. The second concern expressed by the Association is Gill Street becoming a drop off point for parents. With the traffic congestion that may be created with only one school, parents may find that dropping off their children from the residential

streets is easier, which could create additional traffic in the neighborhood. He added that construction vehicles should not be permitted to access the site from residential streets, and early morning and night construction should be prohibited.

David Rowland, 230 S. Gill Street, noted that this Council has been supportive in the past in keeping additional traffic out of the neighborhood. The density of activity during the day from the north side of the property is of concern to the neighborhood. He encouraged Council to put protections in place for residential streets.

Mary Marino, 720 S. Sparks Street, expressed concern that the renovation of the school would create a much bigger entity that would be very close to the residential neighborhood. Council is considering changes to other sections of town which would lower the allowable building heights. However, in this case, the zoning would permit a large building. Ms. Marino also addressed problems with traffic traveling too fast through the parking lots if the parking islands are removed. She understood the marching band needed an area to practice but suggested they practice in one of the playing fields. Ms. Marino also expressed concern with the buses coming down the hill on Sparks Street and the possibility of their not getting stopped. She noted this could be of even greater concern if traffic is increased on Westerly Parkway. Lastly, Ms. Marino added that she hoped Council would allow public input at the next meeting because of the conflict with the School Board meeting tonight.

John Farris, 601 W. Fairmount Avenue, said he was relieved that there may be some protection for Gill Street. He would like to see the same protection in place for Community Fields and the other streets. The residential neighborhood is not built as a thoroughfare. There are steep hills and small children. There are many pedestrians including children walking to the park and Corl Street Elementary School. He encouraged Council to provide the additional protection needed to restrict access from Gill Street because of the steepness of the hill, the blind spots and dangerous winter conditions, which would not be appropriate for buses.

Cathy Demucheo, a resident of Harris Township, addressed Council on the loss of a section of Community Fields. The field is a community area where children sled ride in the winter and play ball in the summer. She returned to State College to raise her children and would be saddened to see a change in zoning occur with the field. Mr. Welch noted that the property owned by the School District, known as Community Fields, would not be rezoned. The change would add two permitted uses to the existing zoning, one being school use.

Ron Madrid, member of the Holmes Foster Neighborhood Association, noted that several people had spoken on maintaining the quality of life in the neighborhood. The current plan will have an impact on the neighborhood and the quality of life. He noted that the timing of the School Board meeting tonight is cause for concern because a number of residents are not in attendance tonight.

Pat Vernon, a resident of the Centre Region, addressed the sentimentality of the community with the location of the present high school and Community Fields. He supported the request from Mike Desmond that Community Fields be preserved. Because the renovation would add 3 acres (400 spaces) of parking, he encouraged the School District to pursue a conditional use for the reduction in parking.

There being no further public comment, Mr. Welch closed the public hearing.

Mr. Daubert moved to schedule discussion on the four proposed amendments for April 10, advertise the intent to enact on April 17, and instruct staff to prepare an ordinance that would prohibit curb cuts on Gill Street. Mr. Kern seconded the motion.

Mr. Fontaine noted that the consensus of Council was to protect local streets from additional curb cuts which could be done universally. An amendment to the Zoning Ordinance could be prepared for Council to receive at the meeting of April 17.

Mr. Morse added that, from experience as a teacher at Penn State, having something on paper does not mean that things will run smoothly. Although people have good intentions, the ordinance may appear to be a good thing but may not create a good solution.

Mr. Kern asked that a representative from the School District be invited to attend the April 10 work session to address the possibility of obtaining a conditional use to reduce the number of parking spaces.

Mr. Hahn felt there should be more time to consider the issues and April 17 would be acting too quickly. Mr. Fontaine noted that Council may decide to make substantial changes to the ordinance at their work session on April 10. If that were the case, the ordinance would be taken off the agenda and additional time would be allotted to allow for planning agency review and re-advertisement of the ordinance.

The question was called on the motion, and Council voted 7-0-0 in favor of scheduling discussion on April 10 and their intent to enact on April 17.

CONSENT ITEMS

Council reviewed the following consent items:

- League of Women Voters of Centre County submitted a request for use of the Council Chambers on Wednesday, April 25, 2006, from 6:30 to 10:30 p.m. for Candidate's Night.
- AIDS Project submitted a request to conduct the annual AIDS Walk on Sunday, April 23, 2006 from 10:00 a.m. to 5:00 p.m. on various sidewalks. Because of the number of walkers expected, the request includes the closing of the intersection of Fraser Street and Foster Avenue at the beginning of the walk.
- The Governor's Office of Health Care Reform is requesting use of the Council Chambers for a "listening tour" on Thursday, April 20, 2006, from 8:30 a.m. to 3:00 p.m. to obtain public comment.
- The Sigma Pi Fraternity is planning on conducting a philanthropy event to benefit the Multiple Sclerosis Foundation on Saturday, April 7, 2006, from 1:00 to 7:00 p.m on Fraternity Row.
- Appalachian Ski & Outdoors is requesting to close Humes Alley between Beaver Avenue and Calder Way on Thursday, April 6, 2006 from 3:00 p.m. to 4:30 p.m. for a demonstration from a vendor.

Ms. Goreham moved to approve the consent items. Ms. Dauler seconded the motion, which passed unanimously.

BIDS/CONTRACTS/AGREEMENTS

Bituminous Patch Material. Mr. Fontaine said that sealed bids for bituminous patch material for the 2006 patching season were opened on March 21, 2006. Availability of bid packages was advertised in the Centre Daily Times in accordance with the Purchasing Ordinance. In addition, five (5) vendors were sent packages for review. Of the vendors expressing interest, two (2) submitted bids, as follows:

Quantity and Material Bid	Glenn O. Hawbaker	HRI, Inc.
100 Tons-Cold Patch	\$4,800.00	\$3,900.00
200 Tons-FJ-1	\$10,600.00	\$7,800.00
100 Tons-BCBC	\$3,200.00	\$3,250.00
300 Tons-ID-2	\$11,100.00	\$11,550.00
100 Gallons-Tack Coat	\$500.00	\$100.00
900 Gallons-AC-20	\$5,400.00	\$1,800.00
Total Material Cost	\$35,600.00	\$28,400.00

The material bid by HRI, Inc. complies with the minimum specifications.

Ms. Dauler moved to award the bid for bituminous patch material for the 2006 season to HRI, Inc., the low bidder meeting specifications, in amount \$28,400. Mr. Kern seconded the motion. The motion passed with a 7-0-0 vote.

ABC RECOMMENDATION

Letting of Contracts for the Highlands Traffic Mitigation Plan Construction. Mr. Fontaine explained that Council approved traffic mitigation measures in the Highlands neighborhood in September 2005. The traffic consultant estimated the projected cost of the mitigation measures would be \$13,000. Vendor quotes for the project indicated the work would be over \$25,000, which requires a formal bid process as well as Pennsylvania state wage compliance. The Transportation Commission reviewed the quotes for the project and recommended Council authorize the letting of the Highland Traffic Mitigation Plan construction project for bids.

Ms. Goreham moved to authorize the letting of bids for the Highland Traffic Mitigation Plan construction. Ms. Dauler seconded the motion.

Mr. Kern asked if a portion of the project could be postponed to keep the project within the budget. Mr. Whitfield noted that the broader issue is that there may be other projects that may not get done this year. Since staff has firm numbers for the Holmes Foster/Sparks Street study, the actual mitigation measures needed could be delayed or done in a piecemeal fashion.

Council discussed the cost of the Highlands project and the concern that it was being done on a trial basis. Mr. Welch asked the cost to remove the speed humps. Mr. Whitfield indicated milling would be approximately \$5,000. Ms. Dauler hoped the post-mitigation results would allow for the appropriate amount of time to insure that people were able to adjust to the change.

Ms. Goreham noted that she had received correspondence from neighbors expressing concern that the mitigation efforts had been a long process. She encouraged staff to move along quickly with the process.

The question was called on the motion. The vote was 7-0-0 in favor of the motion.

OLD BUSINESS

Zoning Amendment: Lower Building Height, Establish a Building Width Lot Ratio and Establish Open Space Requirements. Mr. Fontaine reminded Council a public hearing was held on March 20 for this amendment, and Council had announced its intention to enact. During the hearing no one spoke for or against the amendment. One person commented that the building height may be useful for future development of moderate income housing.

Mr. Hahn noted he first believed this ordinance would restrict the School District with their plans for the renovation. He was assured by staff that this amendment would not do that and takes into consideration the need to make schools and churches more compatible.

Ms. Dauler moved to enact Ordinance 1841. Mr. Humphrey seconded the motion. The vote on the motion was 6-1-0 with Mr. Kern opposed; the motion passed.

NEW BUSINESS

2006 Festival of the Arts. Mr. Fontaine said a request was received from Richard Bryant, Executive Director, to conduct the 2006 Central Pennsylvania Festival of the Arts. As requested, the Festival will occupy the same area as in 2005. This year's Festival will begin with Children & Youth day on July 12 and end with the sidewalk sales of arts and crafts on July 16. To enable the Festival to take place in a controlled environment, an ordinance is enacted each year to designate the time and place for the Festival and to suspend certain other activities designated by ordinance. This year, Mr. Bryant is requesting use of the Allen Street parking lot across from the Municipal Building for food vendors and the dining tent.

Mr. Daubert noted that he opposed the using of the Municipal Building plaza for the artists' booths. He wanted the plaza to be an area where people could sit and rest. Mr. Bryant explained there would artist demonstration on Friday and Saturday only. Extra chairs are brought in for the times that that artist will be conducting the demonstration. Mr. Daubert noted that this could take up the entire plaza. Mr. Bryant believed it would not and believed there would be ample room for the public.

Mr. Daubert questioned the closing of some streets on Tuesday, July 11, particularly those used by arts festival vendors for parking. Many of the vendors do not arrive until late Wednesday or early Thursday morning. Other people could be using the on-street parking spaces. Mr. Bryant noted signs are placed indicating that parking was restricted as of 3:00 p.m. on Tuesday afternoon, which is when the artists arrive to unload their wares. Other areas need to be closed for set-up. He added that signs would be posted on Tuesday notifying the public that parking will be prohibited Wednesday through Sunday.

Mr. Daubert questioned the closing of Prospect Avenue. He believed this had been extended from previous years. Mr. Fontaine said he had reviewed the previous ordinances back to 1994 and the festival zone area had not changed. He recommended Prospect Avenue be included in the arts festival zone this year and it be evaluated for a possible reduction in 2007.

Ms. Dauler moved to enact Ordinance 1842, establishing the time and location for the 2006 Arts Festival. Mr. Humphrey seconded the motion. The vote on the motion was 7-0-0 in favor of the motion.

ITEMS OF INFORMATION

Ms. Goreham noted that David Hill from the Centre County Bike Coalition asked that the Police Department be publicly thanked for their assistance in the community bike ride in tribute to Bohdan Kulakowski, who was killed in a bicycle accident on March 22.

There being no further business, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary