

Meeting Minutes
State College Borough Council
April 17, 2006

The State College Borough Council met in a regular meeting on Monday, April 17, 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
Jeffrey R. Kern

Absent Craig R. Humphrey

Also present: Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Borough Solicitor; Thomas Kurtz, Assistant Borough Manager; 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; Cynthia S. Hanscom, Assistant Borough Secretary; members of the media; and other interested members of the public.

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

APPROVAL OF MINUTES

Ms. Dauler moved and Mr. Daubert seconded a motion to approve the following minutes:

March 20, 2006, Regular Meeting
March 31, 2006, Work Session

The motion passed unanimously.

PUBLIC HOUR – Hearing of Citizens

Presentation to Heroes. Mr. Welch presented special recognition for the bravery of two citizens, Matthew Emmerling and Kevin Mahoney, in the rescue of eight individuals in a fire at 700 West College Avenue on April 2. All eight residents were able to escape the burning building with only minor injuries. He thanked both men for their acts of bravery and their concern for other citizens and presented each with a plaque and a city pin.

Presentation of Waste Watcher Award. Joanne Shafer, Centre County Solid Waste Authority, presented the Mayor and Council with the 2005 Waste Watcher Award from the Professional Recyclers of Pennsylvania (PROP), Pennsylvania Waste Industries Association (PWIA) and the Solid Waste Association (SWANA). She noted this was the seventh year the Borough was being recognized for their continued support of the recycling. The Borough of State College was one of 25 communities chosen to receive this award out of 900 curbside recycling programs in Pennsylvania. Ms. Goreham thanked Ms. Shafer and the Solid Waste Authority for being a partner with the Borough in continuing and expanding recycling efforts.

Interfraternity Council Presentation. Representatives from the Interfraternity Council presented an update on their activities, which included a positive incentive program, training incentive procedures for safe alcohol use, landscape competition to be held in the fall, holiday lights tour, establishment of a fraternity integrity alliance for sexual assault and prevention issues, and a welcome and house tour for new students in the fall, highlighting the benefits of community involvement in the Greek community. Kevin Karr, Director of Fraternity Life, explained all of the fraternities were establishing Greek pride initiatives to provide a better understanding of the core values of the fraternities. Penn State University can be more attractive to prospective students if they can demonstrate a character of doing the right thing. The first annual review process is complete and three fraternities received "chapter of excellence status." Many fraternities have excelled in community efforts and strategic planning for their organizations. In addition, there is more involvement from the fraternal headquarters in support of these organizations.

Mr. Welch asked if there were other comments from the public.

Margaret Blizzard, 525 S. Barnard Street, expressed concern on behalf of her neighbors and other residents in the Holmes-Foster area. Although she is aware that proposal for the high school renovation will move forward, the Community Field is a back yard for many residents. She encouraged Council to see that traffic impacts are minimized. She asked Council to consider the landscaping proposed by the developers that could positively diminish the impact of the development. For the downtown area, this is the only part with a flat treeless plane where residents can play. Many families use this space. She hoped Community Fields would be

maintained so that the quality of life for the residents of the neighborhood will continue. Mr. Welch noted that Community Fields was owned by the School District and was not a public park that could be controlled by Council.

Mike Desmond, 914 Robin Road, noted that he lived in the Borough most of his life, raised a family, and enjoyed watching community members use Community Fields. Zoning for the school district project will be discussed later this evening by Council which would make way for the School Board to move ahead with plans to destroy Community Fields. The field is the only playing field area in the Borough. He understood that Council was being a good neighbor by accommodating the request of the school district but believed Council was being too considerate. The school expansion construction project will take over three years to complete. The peace of Community Fields will be gone. The effects of the pollution, noise, lighting and storm water concerns will destroy the peace of the neighborhood as well as the only available open space.

There being no further comments from the public, Mr. Welch closed the public hour.

CONSENT ITEMS

Mr. Kern moved and Ms. Goreham seconded a motion to approve the following consent items:

- o Accept a resignation from Cynthia Hahn from the C-NET Board and appoint Michael Hecht.
- o Approve the use of the 100 block of Allen Street for the Annual Street Bazaar on Saturday, June 24, 2006, contingent on Calder Way remaining open to traffic.
- o Approve the use of Borough streets for the Last Cruise, and approve the closing of the 100 block of Allen Street for a car show and competition on July 29, 2006.
- o Approve the use of a portion of Allen Street for the Bike to Work Day on Friday, May 19, 2006 (rain date, Friday, May 26).
- o Approve the use of Borough sidewalks for the Rogation (Earth Day) Procession on Sunday, May 21, 2006.
- o Approve the use of Borough sidewalks for the "Take Back the Night" march on Wednesday, April 19, 2006.
- o Approve the use of Council Chambers for the State College Area School District Board on Monday, April 24, 2006.

The vote on the motion was 6-0-0; the motion passed.

BIDS/CONTRACTS/AGREEMENTS

Award a Bid for One Man Operation Leaf and Grass Vacuum Loading Truck. Mr. Fountaine indicated sealed bids for one 2007 model one-man operation leaf and grass vacuum loading truck were opened on April 7, 2006. The truck will increase our ability to collect leaf and grass, while at the same time, decrease the labor required for collection. Availability of bid packages was advertised in the Centre Daily Times in accordance with the Borough's Purchasing Ordinance and nine vendors obtained bid packages for review. Two vendors submitted bids, as follows:

Bidder	Bid Amount
Virginia Truck Center Richmond, VA	\$119,765.00
Allegheny Trucks, Inc. Altoona, PA International 7400 Chassis	\$122,538.00
Allegheny Trucks, Inc. Altoona, PA International 440 Chassis	\$121,421.00

Ninety percent (\$107,788.50) of the purchase price for the proposed truck is being funded through the State's 902 recycling grant program, requiring only a ten percent Borough match (\$11,976.50). The low bid price is within the budgeted amount of \$131,052.00. Funding for this award is available in the Refuse Collection budget.

Mr. Daubert noted the leaves were usually collected by a crew of two or more. There are cases where the crews need to use rakes to gather leaves that get scattered. Mr. Whitfield responded the truck would be used in the spring and fall with smaller piles. It would also allow for an additional vehicle to be used for collection during the busy season.

Ms. Dauler moved to award the bid for one 2007 model 35,000 pound gross vehicle weight one-man operation leaf and grass vacuum loading truck be awarded to the Virginia Truck Center, the

low bidder meeting specifications, in amount \$119,765.00. Ms. Goreham seconded the motion. The motion passed with a 6-0-0 vote.

NEW BUSINESS

Zoning Ordinance Amendment: Revise Curb Cuts and Driveway Regulations. Mr. Fontaine explained as part of the discussion of changes to zoning in relation to the State College Area School District's high school renovation and reconstruction project, the Planning Commission recommended that regulations controlling the location of driveways and curb cuts be revised. The Planning Commission recommended that Council act quickly to amend the regulation to prohibit curb cuts on local streets when access is available on collector streets. During its discussion of the zoning amendments for the school district project, Council directed the staff to prepare an amendment to address this matter. A public hearing is scheduled for May 15, 2006.

Mr. Hess explained the current regulations prohibit access from arterial streets unless there is no alternative. The required access is from local and collector streets. Certain segments of Beaver, Atherton, Park, Allen, Pugh and Garner prohibit new curb cuts. The proposed regulations would prohibit access to local or collector streets if access is available from other arterial streets. This would require the school district to provide access on collector streets, such as Westerly Parkway, rather than Gill Street.

Mr. Daubert moved to refer the ordinance to the planning agencies and schedule a public hearing for May 15, 2006. Mr. Kern seconded the motion, which passed with a 6-0-0 vote.

OLD BUSINESS

Four Amendments to the Zoning Ordinance. Mr. Fontaine reminded Council the firm L Robert Kimball & Associates, on behalf of the State College Area School District (SCASD), has requested amendments to four sections of the 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. A public hearing was held on April 3 and Council discussed the amendment on April 10.

Three of the four amendments will allow continuation of existing legal non-conforming uses or zoning variances at the site. The amendments include adding schools as a permitted use in the PO (planned office) zoning district, modifying the parking lot design standards to eliminate placement of islands and landscaped material in a portion of the parking areas at schools, and increasing the number of curb cuts for larger projects from two to four on arterial streets. The fourth amendment will increase the maximum building height in the PO zone from 35 to 55 feet for churches and schools (with exceptions). The current North Building is 47 feet in height at its highest point.

During the public hearing and the subsequent Council discussion, there were comments related to traffic, parking and Community Field. The traffic and parking issues are not part of the zoning amendment and they will be dealt with in the Land Development Review Process. The School District has been addressing these issues since they were first raised two weeks ago, and they have committed to resolving the traffic impacts, particularly on the local streets of Prospect, Gill and Hamilton.

The District has also committed to work with the Borough to reevaluate the parking requirements for the project. The current parking plan is in full conformance to the existing zoning requirements; however, the District is aware of the Council's desire to reduce parking on the site. As part of the plan development process, including the traffic impact study, this issue will be addressed.

At the public hearing, there were also comments related to the massing and height amendments. The architect for the district presented plan views and renderings to Council at the April 10 work session to explain the impact of this amendment.

Mr. Fontaine noted that Council may enact the ordinance but any amendments to the ordinance would be subject to a 30-day planning agency review period and public hearing before enactment.

Mr. Hess addressed issues raised from public comment. First, the issue of the number of parking spaces was raised. The developer is required to provide 1,074 spaces. There is a conditional use available to reduce the parking if the School District chooses to do so. The second issue relates to traffic and the necessary mitigation measures that would need to be addressed following the traffic impact study. He noted the traffic consultant is conducting the data collection phase of the traffic study. Planning staff met with the consultant last week and asked the consultant to provide a baseline for Gill, Hamilton, Prospect and Hamilton to determine if there would be impacts from the development. The concerns with parents using the neighborhood streets as a drop-off location will be addressed as part of the site plan review process. Mr. Hess

added that the curb cuts had been addressed by the previous amendment reviewed by Council at this meeting.

Mr. Hess noted there was some concern over the green space provided by Community Fields. The field is located in the public activities zone which requires 30 percent open space. Currently the lot has 70 percent open space. The plans show that they are approaching the maximum 30 percent open space with the building at 50 percent and the parking at 20 percent. Mr. Hess confirmed the parking is not considered as open space but the tennis courts would be considered as part of the open space, which is about 7 percent of the lot.

Mr. Hess indicated other concerns addressed during the public comment were items that would be taken care of through the site plan review process, such as traffic, storm water management, and parking lot design and lighting.

Mr. Hahn asked if the traffic study would include baseline data collection for the southern section of Saxton Drive and Sparks Street. Mr. Hess indicated it may be repetitious because there were counts taken in 2003. Mr. Whitfield added that traffic counts for the northern portion of Sparks Street would be collected as part of the Holmes-Foster traffic study.

Mr. Filippelli asked for further explanation on what the traffic study hoped to accomplish. Mr. Hess explained the traffic study will show a list of potential problems and would suggest certain mitigation strategies to alleviate the problem. The Zoning Ordinance requires negotiations between planning staff and the applicant to come up with a joint agreement to resolve the issues. Mr. Hess added that parties included in the traffic impact study are the Pennsylvania Department of Transportation, Centre Region Planning Agency, the Borough's traffic consultant, and the School District. Certain thresholds would require mitigation efforts be made which are paid for by the school district. Ms. Goreham expressed concern with the study and the difficulty in determining impacts when the plans had not been finalized, especially in regards to the parking and the number and location of spaces. She added considerations should be made for alternative forms of transportation such as bicycles.

Mr. Fontaine noted the land review process does not include Council's review and approval of the site plans. The final determination will be made by planning. Ms. Goreham noted the site plans were only at 30 percent of the final. She asked Council receive a presentation when the next phase was complete.

Mr. Hahn asked if the height of the existing North Building was 47 feet throughout. Mr. Hess replied that it is 47 feet at its highest point, which he believed was the auditorium. He estimated 25 percent of the existing structure was over the 35 foot height limit.

Mr. Hahn noted the school district was a "sympathetic petitioner" but sometimes bad laws arise from sympathetic petitions. He was concerned about the tailoring of this ordinance although he would not want to derail the school district's plan. The topography of the lot was also of some concern with regard to the impact on the increase in permissible height.

Mr. Daubert moved to enact Ordinance 1843 as presented to Council. Ms. Dauler seconded the motion. The vote on the motion was 5 in favor with Mr. Hahn opposed. The motion passed.

Vouchers for the Month of March, 2006. Upon motion of Mr. Daubert, seconded by Ms. Dauler, Council voted 6-0-0 to receive vouchers for the month of March, 2006, for the Borough of State College, in amount \$1,837,975.08, and, acting as agent for the Centre Region Council of Governments, vouchers totaling \$862,806.76.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Ms. Dauler announced an executive session following the meeting to discuss personnel matters.

Staff/Committee Reports. Mr. Fontaine notified Council that the Borough would be donating property salvaged from the Medical Arts Building to an Alabama police department. The salvage would be sent to the police department in connection with Hurricane Katrina relief efforts.

Mr. Fontaine also announced Arbor Day activities on May 3 at the State College Area High School North building. Tim Cole, from the State Bureau of Forestry, will present the Tree City, USA flag and other recognition materials to Mayor Bill Welch beginning at 1:00pm. Other activities include tree planting, pruning and climbing demonstrations, equipment displays and information concerning urban forestry and arboriculture. Representatives from the Borough's tree crew, Meek's Tree Service, Behrer's Landscaping and Penn State's Horticulture and Forestry Departments will be on hand to answer questions and provide demonstrations.

Also, the Borough would be holding a Walnut Springs constructed wetland open house on May 23 from 3:30 to 6:30 pm at the site of the recently completed wetland located in the northeast area of the Park. Borough staff, the consulting engineer, representatives from the Pennsylvania Department of Environmental Protection (DEP), and other officials will be on hand to demonstrate the wetland's function and answer questions.

ITEMS OF INFORMATION

Mr. Daubert said he would like Council members to be able to add items to the agenda under Any Other Matter. The current format does not allow for new issues to be brought before Council at a member's request. He moved to add Any Other Matter to Council's regular meeting agendas. Mr. Kern seconded the motion.

Mr. Fountaine informed Council that the agenda format was already scheduled for discussion at Council's April 21 work session.

Council discussed why this was taken off the agenda in the past and the abuse that may have occurred by bringing up subjects for vote without benefit of discussion and gathering pertinent facts.

Mr. Hahn moved to table discussion of this item to a work session. Ms. Dauler seconded the motion. The vote was 3-3-0 with Ms. Goreham, Mr. Daubert, and Mr. Kern opposed. The motion failed.

Mr. Welch asked for a vote on the original motion to add Any Other Matter to regular meeting agendas, which also failed with a 3-3-0 vote with Mr. Filippelli, Ms. Dauler, and Mr. Hahn opposed.

Mr. Welch noted that this would be discussed further at the April 21 work session.

There being no further business, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary