

Meeting Minutes
State College Borough Council
May 1, 2006

The State College Borough Council met in a regular meeting on Monday, May 1, 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

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.

PUBLIC HOUR – Hearing of Citizens

Proclamation for Food Drive. Mr. Welch presented a proclamation to the National Association of Letter Carriers (NALC) Branch 1495 for “Letter Carrier’s Food Drive Day” on May 13, 2006. The NALC began conducting the food drive in 1991 and it has become the largest one-day food drive in the nation. Dennis McHugh was present to receive the proclamation. He accepted the proclamation on behalf of the other postal employees that make this food drive a reality. He also thanked Council members and staff for assisting the NALC in conducting and recognizing the food drive.

Community Access Television. Peter Morris and a group of concerned citizens were in attendance to speak on community access television. Mr. Morris noted that currently there is a negotiation process between the Centre Area Cable Consortium and the cable company for a franchise agreement that would probably extend for 15 years. Because the length of the contract is long, it is important to get something in place now that allows for a community access channel. Mr. Morris noted the many benefits of public access television including the ability to provide an open forum for individuals and non-profit groups in the community, promote the arts and local sports, and offer a variety of classes on cooking, crafts or gardening. Community access channels have also provided a venue for discussion groups that are usually not heard, such as minority groups, the poor, and retirees. Mr. Morris added that community access channels tend to grow so that ideally two channels should be available. Mr. Morris also mentioned possible funding of the community access channel and the option for pass-through funding through the cable bill.

Ms. Goreham asked the status of the franchise renewal negotiations. Mr. Fountaine said the Cable Consortium met previously that day and approved a draft ordinance that included a provision for public access in some form. Because working out the necessary details to set of a community access channel would delay the franchise renewal, it was concluded that a provision be included that a community access channel would be discussed in the future. He added that the Consortium believed that funding provided for public access should not be taken from the government and education channels now provided. There was a provision included for a local pass through option. Ms. Dauler noted the cable attorney recommended that, because of developments in proposed federal legislation, the Consortium should move ahead with the work that has been completed.

Mr. Daubert felt there should be some kind of controls placed on community access television. He noted it would have to exclude political activity or it would be a disaster. Mr. Morris agreed there would have to be some controls but believed the community access channel would provide the opportunity for airing viewpoints

Mr. Welch asked if there were other members of the public wishing to speak during the public hour.

Ron Madrid spoke as a member of the Holmes-Foster Association. He noted that he has been a resident of the Borough for the past 11 years and has grown to respect the performance of the Mayor in official events. He noted the Mayor has done a great deal in educating the citizenry in the local political process. However, he believed the process was handled poorly two weeks ago when Council approved the zoning ordinance amendment which supported the renovation of the

School District's North Building. Citizens were in attendance expecting to speak on the issue and were not provided the opportunity to do so. He believed it was manipulative and hoped that Council would continue to allow residents to comment on the school district project as the review process continues.

Pat Vernon, 900 Walnut Spring Lane, said he had four items he wished to bring to Council's attention. First, he asked the Borough's lighting ordinance be updated. He understood the Planning Commission was working on this issue but encouraged Council to consider light spillage issues onto other properties and "dark sky" recommendations. Second, Mr. Vernon requested Council continue to work with the School District in the design of parking facilities. He encouraged a reduction of 300 spaces which would eliminate the need for the parking lot located on Community Fields and, thus, would eliminate the need for additional parking lot lighting. Third, Mr. Vernon expressed his support of community access television. He believed there was a need for this and believed that it would be helpful if used in the political arena with groups such as the League of Women Voters. Access television could allow citizens to speak out on many issues. Lastly, he extended an invitation to attend and help promote a free lecture on climate change coordinated by the technology students at the State College Area School District on May 22 from 6 to 7 p.m. in the South Auditorium. Two well-known scientists would be speaking. He suggested the Borough may want to sponsor the event on C-NET.

CONSENT ITEMS

Upon motion by Mr. Hahn and second by Ms. Goreham, Council unanimously approved the following consent items:

- Appoint the following individuals to the CRPA Area Plan Steering Committee:
 - Jeffrey Kern and Elizabeth Goreham representing Borough Council;
 - Silvi Lawrence and Elizabeth Toepfer representing the Planning Commission;
 - and
 - Christina Rambeau representing the Transportation Commission.
- Confirm Council President's appointment of Thomas Daubert as the voting delegate for the 107th PLCM Annual Convention and Catherine Dauler as the alternate. Mr. Daubert will also serve on the Resolutions Committee.
- Approve the use of Borough streets for the PSU Homecoming Parade on Friday, October 20, 2006, from 5:30 to 8:30 p.m.
- Approve the use of Council Chambers for the State College Area School District School Board for Monday, May 22, 2006. This approval will allow the School Board to use Council Chambers in the future should the need arise as long as no conflicts occur with Borough meetings.

Confirm Council President's appointment of Catherine Dauler to serve on the Regional 537 Growth Boundary Ad Hoc Committee. Council discussed the COG General Forum meeting of April 28 where an extensive discussion was held on the Act 537 plan and growth boundaries. Of particular concern was the proposed rezoning in Ferguson Township in 2004. Mr. Daubert noted that on March 1, 2004, this Council forwarded to Ferguson Township seven reasons why 26 acres of land should not be rezoned for development. Ferguson Township officials rezoned the land anyhow and now that land will not only impact the growth boundary issues but will also impact services to the Borough. Ferguson Township should take responsibility for the effects to the Borough and get the developers to pay for the impacts. Mr. Daubert stated that any increase in the sewage flow through the Borough could have a negative effect on the system for Borough residents. He would like to see some kind of commitment that additional costs to increase the size of the system would be the responsibility of the municipality.

Ms. Goreham expressed concern that validity of regional growth boundary is being tested. The Whitehall property in Ferguson Township is illuminated by the fact that several regional and local planning commissions advised against the rezoning, including the Ferguson Township Planning Commission. Despite the fact that it was rezoned and now wants to be included in the regional growth boundary, there needs to be some strong limit placed on what happens after this. The 26 acres along Whitehall Road borders farm land and environmental land in Tussey Mountain. She noted there needed to be a process in place that deals with the issues before the land is rezoned. Municipalities without property at stake should be the leader. Both Harris Township and the Borough need to provide that leadership.

Mr. Kern expressed concern about that site and the extension of regional growth boundaries. The COG General Forum considered the expansion of the growth boundaries and came up with five areas considered for further study. He noted the Centre Region was growing and development should be viewed on a regional basis. He added that the Borough may come

across as a "roadblock" to regional development but the General Forum should approach this as a regional issue, not just that one municipality is blocking development.

Ms Goreham did not view the discussion at the COG General Forum as one municipality against development. She viewed the discussion as a need to protect the region. She felt the discussion at the COG General Forum meeting on April 28 was engaging and enlightening. This was an important process and she believed the General Forum was proceeding.

Council discussed the need for the State College Borough Water Authority to comment on growth boundaries.

Mr. Daubert reiterated that any increase in the sewage flow through the Borough could have a negative effect on the system for Borough residents. He would like to see some kind of commitment that additional costs to increase the size of the system would be the responsibility of the municipality.

Mr. Daubert moved to confirm Council President's appointment of Catherine Dauler to serve on the Regional 537 Growth Boundary Ad Hoc Committee. Mr. Humphrey seconded the motion. The motion passed with a 7-0-0 vote.

NEW BUSINESS

Extend the Life of the State College Parking Authority. Mr. Fontaine said the Borough Solicitor prepared a resolution extending the life of the State College Parking Authority for 50 years. The Authorities Board met on Friday, April 28, 2006, and approved the extension of the Authority.

Mr. Daubert moved to approve Resolution 908 to extend the life of the Parking Authority until December 31, 2055. Ms. Goreham seconded the motion, which passed unanimously.

Extend the Life of the State College Sewer Authority. Mr. Fontaine said the Borough Solicitor has also prepared a resolution extending the life of the State College Sewer Authority for 50 years. The Authorities Board met on Friday, April 28, 2006, and approved the extension of the Authority.

Ms. Dauler moved and Mr. Humphrey seconded a motion to approve Resolution 909 to extend the life of the Sewer Authority until December 31, 2055. The motion passed with a 7-0-0 vote.

Zoning Ordinance Amendment to Make Corrections in the Building Scale Ordinance Amendment to Exempt Certain Residential Buildings from the Scale Regulations. Mr. Fontaine explained Council had enacted a Zoning Ordinance amendment to lower building height, establish a building/lot width ratio to regulate the maximum width of a building, and establish open space requirements on February 21. The first part of that amendment changed land use policy for the R-1 and R-2 zoning districts by creating scale compatibility between existing single-family homes and proposed non-residential buildings. Following adoption of the amendment, staff reviewed two separate applications for building additions on single family residents. As these applications were reviewed, staff concluded that the Ordinance may have overreached in its regulation of buildings on smaller lots, especially as it applies to dwelling structures. Staff does not believe that it was Council's legislative intent to restrict expansion of residential properties. In a preliminary analysis of one block, staff found that 4 out of 5 residential properties on Waring Avenue are non-conforming under the February 21st amendment. Based on this, staff believes that a more thorough analysis is needed.

The Planning staff has prepared a proposed ordinance to temporarily address this problem by deleting dwelling units from the open space requirements. In the interim, the Planning Commission will work on drafting an ordinance to permanently correct the problem.

Mr. Filippelli asked if the ordinance would still apply to non-dwelling structures. Mr. Fontaine noted the restriction would still be applicable for non-dwelling structures.

Ms. Dauler moved to receive the ordinance, schedule a public hearing and publish the notice of intent to adopt on June 5, and return this issue to the Planning Commission for further review and recommendation. Mr. Hahn seconded the motion. The motion passed with a 7-0-0 vote.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch announced the Borough has been named a Tree City, USA for the 22nd consecutive year by the National Arbor Day Foundation. Tim Cole, from the State Bureau of Forestry, will present the Tree City, USA flag, at this year's Arbor Day Celebration on Wednesday, May 3, at the front of State College Area High School's North Building.

President's Report. Ms. Dauler announced an executive session held at 7:00 p.m. just prior to this meeting.

Staff/Committee Reports. Mr. Fontaine noted the National League of Cities renewal is now due. As part of the renewal process, the League is suggesting that the Borough contribute \$144 to the NLC Legal Defense Fund. The Legal Defense Fund was authorized by the NLC Board in December 2002. It is funded by voluntary contributions from NLC members. The Fund allows the League to pay litigation costs related to carefully selected cases or regulatory proceedings if the outcome may have a significant impact on a large number of municipalities. He recommended that Council make this voluntary contribution.

Mr. Humphrey moved to make the \$144 contribution to the National Legal Defense Fund of the National League of Cities. Mr. Filippelli seconded the motion, which passed unanimously.

There being no further business, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary