

Meeting Minutes
State College Borough Council
June 5, 2006

The State College Borough Council met in a regular meeting on Monday, June 5, 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; Mark A. Whitfield, Director of Public Works; Amy J. Story, Borough Engineer; Thomas R. King, Chief of Police; 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. There were no comments from members of the public.

PUBLIC HEARINGS

Zoning Amendment: Changing the Building/Lot Width Ratio Rule. Mr. Fountaine explained this amendment repeals the provisions of the building/lot width ratio regulations as they pertain to applying the building width/lot width ratio to residential structures. Since there are pending residential zoning applications, staff has recommended that Council approve the amendment to allow the residential additions to occur, and to ask the Planning Commission to consider the appropriate regulation of residential building scale over the next few months. Council has asked the Planning Commission to provide a recommendation to address residential building scale for the fall zoning calendar.

Mr. Hess provided a brief presentation explaining how the ratios vary depending on the width of the lot. He explained the change that was made in April would impact residential lots making many residential homes already exceeding the ratio. The change proposed would make the ratios apply to non-residential structures only. The issue would be sent back to the Planning Commission to come up with a ratio rule more suitable to residential dwellings in the R1 and R2 so that homeowners would not be so restricted.

Robert Seibel, 510 East Fairmount Avenue, representing the Highland Neighborhood Association, commented that he was concerned about the definition of dwelling and having apartments and multi-family rentals being exempted from the ratio rule. Mr. Welch noted this would apply only in the R1 and R2 zoning districts, which does not allow for multi-family dwellings. Mr. Seibel noted there were some non-conforming multi-family uses in the R1 and R2 district. Mr. Slaybaugh said the expansion of non-conforming uses would require an application for a variance from the Zoning Hearing Board. The change before Council would return the ordinance to what it was back in April for residential uses only. The lot width ratio would still apply for non-residential uses. Mr. Hess reminded Council that the Planning Commission would present a proposal for lot width ratio for residential uses in September, which would not leave a large window. Mr. Seibel asked Council to consider the wisdom of creating any window of opportunity but rather have this change incorporated with the Planning Commission's recommendation in September.

Mr. Welch closed the public hearing and Mr. Hahn moved to enact Ordinance 1844 as proposed. Mr. Daubert seconded the motion.

Mr. Hahn noted that since the ordinance applied to multi-family dwellings in the R1 and R2, which was not a use by right, this would have little impact in the short period of time. The law overreaches Council's goal of limiting the size of non-residential structures by limiting reasonable expansion of homes by single-family homeowners. He said he had attended the Planning Commission discussions regarding the scale issue which concentrated on limiting non-residential uses such as churches and schools. He believed the ordinance before the Council would be closer to the original intent.

Mr. Daubert encouraged Council to put a time limit on the proposal to be submitted by the Planning Commission, which should be no later than September 5.

Mr. Filippelli asked if a single-family operating as a rental could increase the number of renters. Mr. Hess indicated the property would still be limited to three unrelated people regardless of the size of the house.

Ms. Goreham believed that lot width ratio was a valuable tool and asked if the Planning Commission would continue with this approach. Mr. Hess said the Commission hopes to look at a sliding scale with an upper limit to maintain the scale of the neighborhoods. He believed this would allow for more latitude for the property owner.

Ms. Dauler said that this change would not guarantee that future restrictions would be approved in September. If the restrictions are left in place, two homeowners would be placed in a difficult position but temporary position. She said she did not feel comfortable reversing an ordinance that was passed a short time ago.

Mr. Kern felt it was important to address the issues now because the selling season for houses was in high gear. Prospective families may feel limited in the utility of a property with the current restrictions in place.

The vote on the motion was 6-1-0 with Ms. Dauler opposed. The motion passed.

CDBG 2005 and 2006 Consolidated Plan Amendments. Mr. Fontaine said a public hearing was being held to take public comment on amendments to the CDBG 2005 and 2006 Consolidated Plans. At its May 11 meeting, the CDBG Citizens' Advisory Committee unanimously recommended approval of two amendments. The first is to reprogram \$18,814 in 2005 and \$201,736 in 2006 HOME funds from the Temporary Housing Foundation's Rental Rehabilitation project to the Temporary Housing Foundation First Time Homebuyer project. The second amendment is to reprogram \$13,969 of CDBG human services funds from Stormbreak Girls Group Home to Burrowes Street Youth Haven.

Mr. Welch asked for public comment on the two amendments. There being none, Mr. Welch closed the public hearing and said Council would take action on the amendment at the June 19 meeting, following a mandatory public review period.

CONSENT ITEMS

Mr. Hahn moved and Ms. Goreham seconded a motion to approve the following consent items without discussion.

- Noise waiver for Afterfest at the HUB Lawn on Saturday, July 15, from 11:00 p.m. to 3:00 a.m., conditioned on the organizers working with the Police Department to control the level of noise.
- College Avenue (Shortlidge Road to Allen Street) for the Black Caucus "Now More Than Ever" March on Sunday, September 24 from 12:00 noon to 3:00 p.m., conditioned on the use of the sidewalks on the north side of College Avenue rather than the street if 75 participants or fewer participate.
- Council Chambers for Ni-Ta-Nee Now on Friday, June 23, from 3:30 to 6:30 p.m. for a presentation of the Governor's Conference for Women by First Lady Marjorie Rendell and the Pennsylvania Commission for Women Executive Director Leslie Stiles.
- Resolution 912 for the destruction of records in the Police Department.

The motion passed with at 7-0-0 vote.

Use of College Avenue and Noise Waiver for Jazz Festival. Mr. Fontaine said the Downtown State College Improvement District (DSCID) was requesting a noise waiver and the use of the 100 block of South Allen Street for a Jazz Festival on Saturday, July 22 from 6:00 a.m. to 12:00 midnight. The street will need to be closed for setting up and tearing down the event. The actual music will be conducted only from 10:00 a.m. to 9:30 p.m. If approved, it will be conditioned on the organizers working with the Police Department to control the level of noise.

Council discussed previous events in the Borough where noise waivers were granted. Mr. King noted that there was only one event where the officers were called to the scene, and the event was concluded by the time the officers arrived. It was noted that residents of Addison Court, a nearby elderly apartment building, may have concerns about the level of noise.

Mr. Kern moved and Ms. Dauler seconded a motion to approve the use of Allen Street and the noise waiver, conditioned on the event organizers working with the Police Department to control the level of noise. The motion passed with at 7-0-0 vote.

Summer Concert Series/Film Festival. Mr. Fontaine indicated a request was received from the DSCID to conduct the Summer Concert Series in Central Parklet and a Film Festival on Tuesday through Saturday, July 25 through July 29 from 3:00 p.m. to 12:00 midnight. The request would

include the closing of Fraser Street (Foster Avenue to Nittany Avenue, similar to street closures for high school football games) and a noise waiver. If approved, it should be conditioned on opening day health inspections for the food vendors.

Mr. Hahn asked that the same concerns for the residents of Addison Court should be considered.

Ms. Goreham asked if there was a theme for the film festival. Teresa Sparacino, executive director of the DSCID, indicated the films would be shown on Thursday, Friday, and Saturday evenings only. On Thursday the Beach Boys would be playing for the concert and they are hoping to show "Jaws." Friday will be more family oriented and they hope to show "Chronicles of Narnia." It was hoped to have a classic film on Saturday.

Mr. Hahn moved to approve the use of Central Parklet and Fraser Street and the noise waiver for the event, conditioned on opening day health inspections for the food vendors and that organizers work with the Police Department to control the level of noise. Ms. Dauler seconded the motion, which passed unanimously.

ABC REPORTS/RECOMMENDATIONS

Planning Commission Report. John Cahir, chair of the Planning Commission, presented Council with the Commission's 2005 annual report and provided an update on the Commission's activities for 2006. He noted that three new members had been appointed to the Commission this year. Items that the Planning Commission had been working on during the first half of the year included street lighting, curb cuts in connection with school projects, residential scale issues, and plans for the renovation to the Beta House on campus. For the rest of the year, the Commission will be working on zoning issues in the University Planned District, specifically for the law school, downtown implementation with focus on districts 2 and 3, open space and scale issues, and the request for proposals for the Urban Village Neighborhood Revitalization Plan.

Mr. Kern said the downtown plan showed streetscape designs with brick sidewalks and green space. He asked if the Commission was incorporating these concepts with the downtown implementation. Mr. Hess noted the Commission members have copies of the plan and have been discussing possibly working with Penn State and the Pennsylvania Department of Transportation.

Mr. Kern asked if the Commission would be working with College Township on the development of the law school. Mr. Cahir said the Commission would be enthusiastic about meeting jointly on that topic.

Mr. Kern urged the Commission to work with Penn State in their efforts on the Urban Village revitalization plan.

Ms. Goreham asked if the Commission was considering taking ownership of the street lights rather than paying Allegheny Power a set amount. Mr. Cahir noted the Commission had included a discussion on the trade-offs for capital costs and operating costs

Mr. Daubert asked if the Planning Commission intended to discuss long-range goals over the next five years. Mr. Cahir said the Commission would like to do that and have alluded to this in their discussions for the downtown. He noted it was difficult when there were so many issues that required immediate attention. Mr. Hess said the Planning Commission is working on projects with a long-range focus. For example, the Commission would be discussing the Capital Improvement Program in July with the idea of accommodating long-term capital investments. In addition, the Urban Village project is a long-range project with a 10-year focus.

Receive the Draft Street Light Policy. Mr. Fontaine said that in 2005 staff prepared a background paper on a number of issues related to street lighting. The paper was intended to provide Council with an overview of policy and technological issues involved in establishing a street lighting plan and program for the Borough. It is staff's understanding that Council's objective is to provide cost effective, energy-efficient, aesthetically acceptable street lighting for all areas of the community. The background paper was referred to the State College Planning Commission for review and comment.

Mr. Hess presented a short summary of the paper. The plan would address types of lighting in the downtown with pedestrian fixtures, such as that placed on Garner Street, while still addressing the dark sky issues. The goal is to increase the illumination on high pedestrian corridors. The report suggested developing a palette of fixtures and light source types to pick from and appropriate locations. The palette could be used by private developers and would be useful in planning future lighting projects in the Borough's Capital Improvement Program.

Receive a Report from the Centre Region Planning Commission (CRPC). Bill Ryan, the State College Planning Commission's representative to the Centre Regional Planning Commission, presented an update on the CRPC's activities in the first half of 2006. He noted that there were several issues discussed but the most important issue was the Act 437 Sewage Facilities Plan.

Bob Crum, director of the Centre Regional Planning Agency, added the CRPC also talked about regional impact rezonings and the process that could be developed. This was still being discussed by the Commission.

BIDS/CONTRACTS/AGREEMENTS

Project 9-2006 East Highland Mitigation. Mr. Fontaine said the East Highlands Traffic Calming Project consists of the installation of eight speed humps, three traverse pavement markings, and signage and pavement markings associated with the installations. The budget for this project is \$13,080. The project was approved by Council, and construction proposals were solicited in the fall of 2005. There were no bidders interested in the work at that time. Earlier this year, the project was again put out for proposals, and a single quote was received. The price was over the \$25,000 threshold for formal bidding, and Council directed staff to bid the project.

Bids for the East Highlands Traffic Calming Construction Project were opened on Tuesday, May 9, 2006 at 11:00 am. The bid was advertised in the Centre Daily Times in accordance with the Purchasing Ordinance and a total of four (4) bid packages were purchased. The following bid was received:

HRI, Inc. State College, PA	\$32,825
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The Transportation Commission reviewed the bid at its meeting on May 23 and considered three alternatives identified by staff:

- o Award the bid for the Highlands Traffic Calming Plan to HRI, Inc of State College in the amount of \$32,825; or,
- o Reject the bid for the Highlands Traffic Calming Plan and recommend Council reduce the scope of work by removing the two speed humps on Foster Avenue and issuing a new RFQ for the work; or,
- o Reject the bid for the Highlands Traffic Calming Plan and have the Commission consider less costly traffic mitigation measures and/or identify other sources of funding for the project.

The Commission recommended that Council award the contract.

The bid exceeds the budgeted appropriation for this project. The engineer's estimate for the project was \$13,080. Council will need to amend the budget to appropriate the additional funds required for this contract. If Council awards the contract, staff recommends that \$4,800 be transferred from the West Park Avenue Project budget and defer \$15,400 for the South Sparks Street Mitigation Project until 2007.

The current bid is based on the project scope that has been recommended by the Traffic Calming Committee and Transportation Commission, and approved by Council in the fall of 2005. In approving the Plan last fall, Council accepted the Commission's recommendation that Foster Avenue be included since the traffic speeds were near the criteria for mitigation. Because the bid exceeds the estimate by 150 percent and is approximately 25 percent higher than the quote previously received for the project, Mr. Fontaine said staff is recommending Council reconsider removing the Foster Avenue segment from the project scope. This will allow staff to solicit proposals and negotiate a contract for the remaining project areas, all of which meet the threshold established by the policy for speed mitigation. The Foster Avenue traffic calming can be constructed later if criteria for speed mitigation is met. Although this may still result in a total project cost that exceeds the budget and the engineer's estimate, it will result in a lower cost project for the current year and fall within the guidelines of the traffic mitigation policy.

Mr. Daubert noted that a great deal of time had been spent on this project and doing it piecemeal would be a waste of time.

Mr. Hahn asked why the bids were higher than predicted. Mr. Whitfield said the local contractors have no experience with this type of work. He added there was also an increase in the cost because state prevailing wages would apply once the project goes over \$25,000.

Mr. Hahn noted the speed bumps would be an asphalt overlay. He asked if less expensive alternatives were available. Mr. Whitfield did not believe there were alternatives available; he said that using concrete would be more expensive.

Ms. Goreham moved to award the bid to HRI, Inc., in the amount of \$32,825. Ms. Dauler seconded the motion. Ms. Dauler added that the bid was accepted based on the funding as outlined by staff, which means the South Sparks Street project would be deferred. The vote on the motion was 7-0-0; the motion passed.

Project 13-2006 West Park Avenue Construction. Mr. Fontaine said that bids for the West Park Avenue Construction Project were opened on May 23 at 11:00 a.m. The project consists of approximately 2300 linear feet of roadway construction on West Park Avenue from North Atherton Street to the Blue-White Bike Path; storm sewer improvements; and adjustments to sanitary/storm sewer manholes and/or inlet structures. The bid was advertised in the Centre Daily Times in

accordance with the Purchasing Ordinance and a total of 7 bid packages were purchased. The following bids were received:

1	HRI, Inc. State College, PA	\$216,715.00
2	Ameron Construction Company, Inc State College, PA	\$222,121.00
3	Glenn O. Hawbaker, Inc. State College, PA.	\$224,979.00
4	DAC Enterprise Julian, PA	\$232,975.00
5	Haranin Construction, Inc. Bellefonte, PA	\$249,911.00

Construction time is 80 days and is anticipated to begin with the Notice to Proceed being issued on June 26, 2006. Funding for this construction project is available as follows:

Account 30-439-624	\$ 72,238.34
Special Assessment	72,238.33
Penn State University	<u>72,238.33</u>
Total	\$216,715.00

Additional costs associated with this project for design and construction management are also being shared by the Borough, the property owners and the University.

Mr. Kern moved to award Project 13-2006 West Park Avenue Construction to HRI, Inc., the low bidder, in the amount of \$216,715.00. Mr. Humphrey seconded the motion. The motion passed with at 7-0-0 vote.

Award Commercial Front Loading Refuse Truck. Mr. Fontaine said that bids for a 2006 Model Commercial Front Loading Refuse Truck were opened on April 24, 2006 at 11:00 am. The 2006 truck will replace one 1998 front loading refuse truck. The bid was advertised in the Centre Daily Times in accordance with the Purchasing Ordinance and a total of 9 bids were released. The following two bids were received:

Bidder	Amount	Less-Trade-In	Net Bid
W.W. Engine Supply DuBois, PA	\$213,030.33	\$12,100.00	\$200,930.33
Mack Chassis & Heil Body W.W. Engine Supply DuBois, PA	\$226,181.61	\$12,100.00	\$214,081.61
Mack Chassis & LaBrie Body			

The low bid, including the Heil body, does not meet minimum specifications. The bid including the LaBrie body complies with all minimum specifications.

The low net bid of \$214,081.61 is approximately \$62,000 more than the amount projected for this purchase. Staff attributes this to a significant increase in steel prices since the budget estimate as well as a lower than expected trade-in value. Because of the need, Public Works staff recommends purchase of the vehicle and delaying the purchase of a dump truck to 2007, making available the \$25,200 budgeted for this vehicle. Additional funds will also be used from the planned purchase of the commercial front loader, which is expected to be bid this summer.

Mr. Daubert asked why the 1998 truck lasted only eight years. Mr. Whitfield noted that the truck runs almost seven days a week. The front-loading trucks are used heavily and are depreciated over six years. The vehicles are used until the cost of repairs exceeds the cost of a replacement vehicle.

Mr. Daubert moved to award the contract for the 2006 model commercial front loading refuse truck to the lowest responsible bidder, W.W. Engine & Supply of DuBois, to include the Mack truck chassis and the LaBrie body, in net amount \$214,081.61; and that the dump truck replacement be deferred until 2007 to provide funds for this purchase. Ms. Dauler seconded the motion, which passed with at 7-0-0 vote.

NEW BUSINESS

Remove "No Parking 2 to 6 AM" Restriction on Nimitz Avenue. Mr. Fontaine said the Borough received a request from a resident who abuts the 600 block of Nimitz Avenue requesting the "No Parking 2 to 6 AM" signs be removed. As per Borough policy, a survey requesting input from four abutting property owners on the requested change was conducted. Two responses were received in addition to the original request. One resident preferred the posting remain but stated he would not be opposed to removing the signs. If the posting were removed and parked cars become a problem, the residents asked the signs be re-installed. The installation of the signs cost \$600 and the removal is estimated to cost \$250.

Ms. Dauler moved to not authorize the removal of the signs. Mr. Humphrey seconded the motion, which passed unanimously.

OLD BUSINESS

Approve an Amendment to the Zoning Ordinance for Curb Cuts. Mr. Fontaine as part of the discussion of the proposed changes to zoning regulations related 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 repealed and replaced with new regulations that would prohibit curb cuts and driveways on local streets in most cases. The zoning ordinance currently requires curb cuts on residential and collector streets rather than on arterials. The Planning Commission recommended that the ordinance be amended to prohibit curb cuts on local and collector streets unless they are the only access to the site.

A public hearing was conducted on May 15. One citizen spoke at the hearing and a second citizen provided written comments. Both comments were in support of the amendment to prohibit curb cuts and driveways on residential streets.

Mr. Daubert moved to enact Ordinance 1845. Ms. Dauler seconded the motion.

Mr. Kern said the reason for the original ordinance was to prohibit additional traffic on arterials. This was being reversed and Council was saying that we would rather have the cars on the busy streets. He questioned the rationale for limiting access from non-arterials. Mr. Kern also asked if this could limit a residential property owner from adding a garage with a new driveway. Mr. Hess noted that access is prohibited on some streets, such as College Avenue, where pedestrian traffic is an issue. He noted the Planning Commission felt there should be some consideration for maintaining the prohibition and would be working on this in the next few months. Mr. Kern used an example of a corner property in a residential neighborhood, such as the corner of Waring Avenue and University Drive. Mr. Hess explained, if the property owner on that corner wanted to create an access for a driveway, he or she would be forced to do so from University Drive because that is the arterial. He noted there were several corners that the Planning Commission wanted to consider to allow the property owner to put the driveway on the side street.

Ms. Goreham asked about the properties on the 500 block of East Beaver Avenue where houses had demolished to make way for a religious center. Mr. Hess noted that it would not apply to that property because additional curb cuts were prohibited on Beaver Avenue. He noted there were existing curb cuts that may be used by the property owner.

Mr. Filippelli asked how the ordinance would affect the high school project. Mr. Fontaine said it would not change the current plan because it does not show access to any of the side streets. He said it would restrict them from bringing in a revised plan with access shown on those streets.

Mr. Hahn suggested the Planning Commission consider a distinction between residential and non-residential uses. For those uses with a higher traffic flow, such as doctor offices and schools, could be limited to access to the side streets.

The question was called on the motion which passed with a 7-0-0 vote.

Mr. Seibel asked to speak on the issue as it could impact neighborhood streets. By restricting access on some streets, such as Beaver Avenue, any office or student center would have to access their property from the alley or neighborhood streets. Mr. Seibel suggested the restriction be reduced. For example, the Beaver Avenue restriction could be reduced to the area from Buckhout to Garner Street (rather than High Street). This would allow properties in the 500 block of East Beaver Avenue to access from the front thereby reducing the impact on neighborhood streets. Mr. Welch noted that Council has passed the ordinance and suggested Mr. Seibel address his comments to the Planning Commission. Mr. Hahn noted that the restriction to Beaver Avenue has not been changed by this ordinance. He anticipated the issue would be reviewed by the Planning Commission and encouraged Mr. Seibel to forward his concerns to them.

2006/2007 CATA Budget. Mr. Fontaine noted that the COG General Forum received the draft 2006/2007 CATA budget and referred it to the participating municipalities for adoption. Using the Miller Formula, the Borough will be approving their share of \$81,858 of the operating budget (a 9 percent increase from last year) and \$12,285 of the capital budget (a 6 percent increase from last year).

Mr. Hahn moved to approve the 2006/2007 CATA Budget. Mr. Daubert seconded the motion, which passed with at 7-0-0 vote.

There being no further business, the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary