

Meeting Minutes
State College Borough Council
September 5, 2006

The State College Borough Council met in a regular meeting on Monday, September 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; Thomas Kurtz, Assistant Borough Manager; Thomas R. King, Chief of Police; Carl R. Hess, Director of Planning; Herman L. Slaybaugh, Zoning Officer/Planner; Michael S. Groff, Finance Director; Mark A. Whitfield, Director of Public Works; Timothy Grattan, Information Systems Director; Alan W. Sam, Borough Arborist; Amy J. Story, Borough Engineer; 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 received from the public.

PUBLIC HEARINGS

Renewal of the Downtown State College Improvement District. Mr. Fountaine indicated the ordinance establishing the State College Downtown Improvement District contained a five year sunset provision that requires renewal of the DID by December 31, 2006. The DID may be continued by reenactment of the enabling ordinance and revision of the plan. Over the next three months, Council will be asked to approve the amendment to the plan, an ordinance reenacting the DID, and an amendment to the agreement for management services.

Mr. Fountaine reminded Council a presentation was made on August 21 by Teresa Sparacino, Executive Director of the DID, on the first five years of operation and a proposal to extend the DID for an additional fifteen years. The enactment of the ordinance and approval of a new management agreement with DID will be scheduled in November. Discussion of the renewal report and the reauthorization of the DID will be scheduled for a future work session.

Patrick Daugherty, owner of the Tavern Restaurant at 218 W. College, said he had become a member of the Downtown Business Association in 1985, which was a volunteer organization. The downtown has come a long way since then. He believed the establishment of the DID was the right thing to do five years ago and he stated that he would like to see it renewed.

Delores Taracani, owner of Town Centre One located in the Beaver Avenue garage and former owner of the Medical Arts Building, said she supported the DID. The improvements that have occurred in the downtown were significant. The cooperation among the local elected officials and Board is "amazing" and deserves great merit. She believed that the DID was going in the right direction and encouraged Council to see that it continued.

David Lee, president of the DID, said he was pleased to report that Board members and Ms. Sparacino had targeted the major land owners asking for their position on the renewal and solicited comments, suggestions and ideas. All of the people they met with have been supportive of the progress and encouraged the DID to continue with its work. He noted that most were appreciative for the repeal of Business Privilege Tax. He thanked Council for their continuing support of the downtown and the business community.

Mr. Welch noted that Ms. Sparacino's work with the DID was instrumental in its success over the last five years. Many good things had come out of the organization in the last five years, much of which is credited to her good work.

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

CONSENT ITEMS

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

- Use of Clarence Avenue from Fairway to Franklin on Sunday, September 10, 2006, from 4:00 to 9:30 p.m., for a neighborhood block party.

- Use of various streets and sidewalks in the Greentree neighborhood and the Orchard Park bike path on Sunday, October 15, 2006, from 2:00 p.m. to 3:00 p.m., for the annual Knights of Columbus 5K Race.
- Appoint Eric Snyder to the Transportation Commission to fill an unexpired term ending on December 31, 2007.
- Use of Council Chambers by the League of Women Voters for Candidate's Night on Thursday, October 19, 2006, and future use of the Council Chamber for this semi-annual event providing no conflicts occur with municipal meetings.

Council approved the consent items by a 7-0-0 vote.

REPORTS AND PRESENTATIONS

Getwireless.net. Mr. Fountaine said that Dan Myers from Getwireless.net was present to discuss the status of their wireless project in State College. This report is presented as a follow-up to the wireless presentation made by Civitium at the August 21, 2006 meeting.

Mr. Myers explained the status of the installation of their network. They had focused on providing wireless service in the densest area of the downtown and would continue expanding out into the neighborhoods. Equipment is installed on the outside of buildings on private property by permission of the property owner. One signal device could cover a 300 square yard area. To justify the cost of placing the equipment, it is necessary to enroll at least eight subscribers for each device installed. He presented examples of the equipment and a map of the service area. The technology was similar to that in place in larger cities like Philadelphia and San Francisco.

Mr. Daubert asked for further explanation on how the wireless connection would work. Mr. Myers explained an individual with a laptop (with a wireless Internet connection installed) can sign in to the Internet. This also would be available for phones or other wireless devices. To sign into the system, the individual would need to be a registered user. Subscription plans were available on an hourly, monthly or yearly basis. When asked if the signal could be transmitted inside a building, Mr. Myers said that it could if a booster was installed.

Mr. Myers noted that in the future he would like to partner with the Borough, Penn State University and other municipalities to grow the user base. Work is continuing on expanding the existing service area and reinforcing weak signal areas.

Mr. Hahn asked if Getwireless.net would be submitting a proposal for the wireless project being considered by the Borough. Mr. Myers said he would like to do so but had not seen the specifications. Mr. Fountaine indicated he asked Mr. Myers to make this presentation to Council to make them aware of what is already being done in the Borough.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Quarterly Report. John Cahir, chair of the State College Planning Commission, provided an update to Council on the work of the Planning Commission in the last quarter. He noted that Commission had been working very hard over the summer and provided the following summary of the zoning amendments recommended by the Commission:

- Lot Width Ratio and Lot Coverage Rules – the changes will provide uniform treatment of both residential and nonresidential buildings and preserve a sense of scale in residential zoning districts
- Open Space Definition – the proposed revision will create a single definition with primary emphasis on “green” space with some allowances for other features such as play areas and fountains.
- Mixed Use Overlay – the proposed change will improve existing rules to streamline the plan approval process, modestly increase the number of employees and update the list of permitted uses in response to new technologies.

Mr. Cahir noted that the Commission was also continuing work on the Urban Village, the Capital Improvement Program, and addressing changes for areas 2 and 3 from the Downtown Vision Plan. The Commission also hopes to have time before the end of the year to work on pedestrian-oriented issues in the downtown.

Ms. Goreham noted there had been increased review and research on how the Borough can be a leader in environmentally friendly buildings and encouraging green open space. Mr. Cahir said the Commission has always encouraged “green” buildings; for example, Leadership in Energy and Environmental Design (LEEDS), a green building rating system, was incorporated in the Commercial Incentive District. Ms. Goreham noted that there has been an increase in flooding in the Highland Alley area; she believes this was due in part to the increase in impervious service. She would like to see more done to increase the amount of green space required for future development.

Ms. Goreham asked what would be done with pedestrian oriented uses. Mr. Hess reminded Council that Michael Freeman, Planning Commission member, had come before Council a few weeks ago asking that the Commission be permitted to discuss the requirements for first-floor pedestrian-oriented uses and expand the requirement to include the area west of Allen Street.

Ms. Dauler commented that the Planning Commission was able to accomplish a great deal of work in a short period of time and should be commended.

Zoning Amendment to Change Building Lot Width Ratio and Lot Coverage Rules. Mr. Fountaine indicated in June Council rescinded the building width ratio rule in the R1 and R2 zoning districts as it applies to dwelling units with the understanding that the Planning Commission would develop a uniform rule. He reported the Borough Solicitor has advised that having two standards for dwellings and non-dwellings is problematic from a legal standpoint when the purpose of the rule is to regulate scale. The Planning Commission discussed three approaches and opted for a rule that regulates building width only when lots are combined into larger holdings exceeding 135 feet in width. Mr. Hess presented the amendment which sets maximum building coverage at 30 percent for lots up to 15,000 square feet and sets maximum coverage at 20 percent for lots 25,000 square feet or larger, and uses a regression formula to transition coverage limits for lots between 15,000 and 25,000 square feet from 30 to 20 percent.

Mr. Humphrey moved to receive the amendment and schedule a public hearing for October 3. Ms. Dauler seconded the motion, which passed with a 7-0-0 vote.

Zoning Amendment to Define Open Space and Recreational Structures and Areas. Mr. Fountaine noted that in April Council adopted Ordinance 1841 establishing a minimum open space requirement in all zoning districts as a percentage of the lot area. The ordinance, however, does not provide a uniform statement of what is meant by open space. The ordinance was approved with the understanding that the Planning Commission would come back to Council with a recommendation for a clear definition of open space. Mr. Hess presented the proposed ordinance which created a definition for open space and for recreational structures and areas. He noted that there were currently multiple definitions in the Zoning Ordinance. The amendment would create one definition that required vegetation be maintained. He noted that some impervious areas were included, such as plazas, if 50 percent open space was being provided. Driveways, parking areas, trash, and recycling storage must be considered impervious and cannot be used to meet open space requirements.

Mr. Hahn moved to receive the amendment and schedule a public hearing on October 3. Mr. Kern seconded the motion, which passed unanimously.

Proposed Modification to the Mixed Use Overlay District Regulations. Mr. Fountaine said the Planning Commission received a proposal in June from Michael Black, owner of Black/Sun Studios at 700 East Beaver Avenue, to modify several sections of the zoning regulations applicable in the Mixed Use Overlay zone. The Mixed Use Overlay allows existing houses to be converted to office uses. Mr. Black suggested modifying existing rules for the number of employees, use of on-street parking to meet parking requirements, and changing the procedures for the review of applications from special exceptions (which requires review before the Zoning Hearing Board) to the standard land development plan review process.

Mr. Hess explained the mixed use overlay was adopted in 1999 and applied to some areas in the R2 and R3H zones. The proposed changes would base the number of employees on the size of the building rather than the lot size, allow more flexible use of on-street parking, allow approval through the land development process, and update permitted uses to include desktop publishing, tour operators, private investigation, motion picture and video production, software publishing and Internet publishing, and broadcasting.

Mr. Kern moved to receive the amendment and schedule a public hearing on October 3. Mr. Humphrey seconded the motion, which passed with a 7-0-0 vote.

Mr. Hahn asked if Council would be able to change the amendment if a public hearing was scheduled. Mr. Hess replied that any change will have to go back through the process, which means that it would have to go back the Planning Commission for review.

Mr. Kern asked if it were possible to define a list of applicable businesses without listing specific uses. Mr. Hess explained the definition of a mixed use overlay established traffic generating characteristics that would be necessary to gain approval of a plan, so this approach could be taken.

Ms. Goreham expressed concern that the mixed use overlay was in the R2 neighborhoods; with these changes one building could house as many as 20 employees. Mr. Daubert agreed that the ordinance did not provide an upper limit to the number of employees or place requirements to provide parking on-site.

Richard Virgil, 620 E. Foster Avenue, noted he lived adjacent to a business in the mixed use overlay district. There was a great deal of concern over the parking and how it would affect the

neighborhood. He also had some reservations that the proposed plan review process would not include a notification to the public. The residents count on staff and Council to ensure that businesses stay on Beaver Avenue and residential uses remain on Foster Avenue. Residents of the Highlands did not want to have businesses sprawl into the neighborhood.

Mr. Hahn expressed concern that the approval procedure for this ordinance put pressure on Council to move forward. He believed that Council may have changes and may need more time for review. In regards to parking, the Borough has discouraged downtown employees from feeding the meters to keep those spaces open for client and visitors. By allowing more of the parking requirements to be met through available on-street parking would encourage employees to park on the streets, thereby taking away spaces that should be used for customers.

Mr. Cahir noted the Planning Commission agreed with the sentiment of the Council on the parking issues. The Commission also wanted to encourage alternate forms of transportation. By mandating a certain number of spaces be provided would only encourage people to drive to work. In addressing the concern on the number of employees, he noted that many of the lots in the mixed use overlay were small and the increase in the number of employees would be small, possibly up to 12 employees.

Council discussed how best to move forward with the ordinance and whether or not a public hearing should be scheduled for October 3. Mr. Kern noted that he would like to hear from the public and wanted to hold the hearing regardless on whether or not this is sent back to the Planning Commission. Council members agreed it would be helpful to hear from the residents. Ms. Dauler asked that residents and abutting property owners of the mixed used overlay be notified of the public hearing. Mr. Daubert asked the minutes from the Planning Commission meeting where this was discussed be provided to Council.

Ms. Dauler expressed concern with waiting until mid-October to approve the building lot ratio and definition of open space ordinances. She wanted to fast-track those two ordinances in order to protect the neighborhoods from large developments.

Ms. Dauler moved to advertise Council's intent to enact both the ordinance on building lot ratio and the ordinance to definite open space for the October 3 meeting. Mr. Daubert seconded the motion.

Council discussed the pending ordinance rule and when the neighborhoods would receive protection from large developments. Mr. Fontaine indicated the ordinance becomes pending once the public hearing is held, which will be October 3. Any new development plans received after October 3 would fall under the new ordinance. Therefore, there will be some protection provided to the neighborhoods.

Ms. Dauler noted that this would be acceptable and believed the pending ordinance rule would address her concerns; therefore, there was no need to enact the ordinance on October 3. Mr. Welch noted there was still a motion on the floor and asked for a vote. The vote on the motion was 0-7-0 with all opposed. The motion failed.

PUBLIC WORKS

Post "No Parking 2-6 AM" on Hedgerow Drive. Mr. Fontaine noted that Borough staff received a request from a resident of the 800 block of Hedgerow Drive requesting "No Parking 2-6 AM" signs be installed on both sides of Hedgerow Drive from Westerly Parkway to Crabapple Drive. Council policy requires a staff review of any request to change on-street parking requirements and a citizen survey be conducted. The section of street where the posting has been requested has five adjacent property owners, one of which is the Borough of State College. Of the other four adjacent property owners, three have responded in writing that they are in favor of the posting. The remaining property owner did not submit a response card, but did indicate via telephone that she opposed the posting. Installation of the signs and posts will cost approximately \$600 (six signs and posts at \$100 each). Public Works staff favors posting the parking restriction due to overnight parking of vehicles interfering with street maintenance and recommends Council authorize the installation of the signs.

Mr. Daubert asked if the Transportation Commission received this type of request. Mr. Whitfield noted requests were authorized by Council and not passed through the Transportation Commission. Mr. Daubert questioned the speed with which this request had been pushed through Council. He also was concerned that residents the Greentree neighborhood would have no place for overnight guests to park. Mr. Whitfield indicated there was very little overnight restriction in the Greentree subdivision. Most streets were restricted parking for snow removal zones only.

Ms. Goreham moved to authorize the signs be installed. Ms. Dauler seconded the motion. The motion passed with a 7-0-0 vote.

PARKS AND RECREATION

Resolution to Apply for a Grant for Sunset Park Fitness Trail Replacement and Tot-Lot Renovation.

Mr. Fontaine explained as part of the 2006-2010 Capital Improvement Plan, staff indicated the need to complete renovations to various play equipment in Sunset Park in 2007. Staff is recommending the replacement of the existing exercise trail wood apparatuses with the all-steel WorldTrail Conditioning Course. The trail was installed in 1976 and the apparatuses constructed mostly of treated wood, which has deteriorated over the years. The proposal also includes the replacement of one piece of play equipment in the tot-lot, adding two spring animals, and building a divider between the tot and elementary play areas. Total cost for the project is estimated to be \$31,500.

Mr. Fontaine said staff would like to request a grant from the Community Conservation Partnership Program with the Department of Conservation and Natural Resources for \$15,000 to cover a portion of this project. A resolution of Council is needed to apply for the grant. This project is expected to be completed in 2007.

Mr. Humphrey moved and Mr. Kern seconded a motion to approve Resolution 915 to apply for the grant. The motion passed with a 7-0-0 vote.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Ms. Dauler reported there would be an executive session following the meeting to discuss litigation, personnel matters, and real estate matters. She also announced the November 3 work session was cancelled and rescheduled to November 17 at 12:00 p.m.

Staff/Committee Reports. Mr. Fontaine presented an update of the Council calendar. He noted that rather than having a goal setting session on September 18, Council would meet with the Urban Village consultants. Because of the difficulty in getting something scheduled with the consultant, there was a concern that this project would fall further behind schedule. The kick-off meeting on September 18 would be held from 5:30 to 7:00 p.m. Following that meeting, Council would recess and reconvene their regular meeting at 7:30 p.m.

In addition to the rescheduled work session announced by Ms. Dauler, Mr. Fontaine announced an additional budget review session had been scheduled for Wednesday, November 29 at 12:00 noon.

He noted additional Council meetings would be scheduled in the next few months to do the following:

- Meet the consultants on the Wayfinding signage project
- Conduct goal setting in a brainstorming session
- Meet jointly with the Redevelopment Authority and Planning Commission.

Mr. Fontaine indicated he had received correspondence from a resident asking that Council consider forming a joint school board/Borough advisory panel to discuss the high school renovations. He believed it was premature to form a panel and recommended Council respond to the resident that it would not be appropriate to do so at this time; Council could consider this request once a final plan was submitted by the school board. Council agreed.

There being no further discussion, Council adjourned to an executive session at 9:17 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary