

Meeting Minutes
State College Borough Council
Work Session
October 9, 2006

The State College Borough Council met in a work session on Monday, October 9, 2006, in the State College Municipal Building's Council Chambers, 243 South Allen Street, State College, PA. Ms. Dauler called the meeting to order at 7:33 p.m.

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

Absent:

Also present: Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Borough Manager; Carl R. Hess, Planning Director; Mark A. Whitfield, Public Works Director; Michael Groff, Finance Director; Tim Grattan, Information Technology Director; John Marchek, Risk Manager/Budget Officer; Amy R. Miller, Recording Secretary; members of the media; and other interested observers.

Public hour. Theresa Lafer, 356 E. Foster Avenue, expressed her concern for control of public behavior and petty vandalism and asked for Council's help in solving the problem. She also suggested dimmer lights on Garner Street which may also be less expensive to operate.

Open Agenda. Mr. Daubert requested that some agenda items scheduled for November 13 be moved to the November 6 agenda. Mr. Fountaine explained the November 6 agenda was kept open intentionally because of the conditional use hearing on the request of the State College Area School District to reduce parking for the High School expansion project. Most issues listed on the November 13 agenda, he noted, were ABC work plans which are not expected to take much time.

Ms. Goreham asked that no important agenda issues be scheduled for December 4 because she will be absent.

Mr. Kern said he would like to strategize on better enforcement of noise and vandalism regulations at an upcoming work session. Council agreed and suggested including code enforcement, health, and police staff as well because it is a community-wide issue.

Historic Resources Commission Work Plan. Ron Madrid, Chair of the Historic Resources Commission (HRC), outlined the proposed 2007 HRC work plan. Routine

activities include developing information regarding preservation, maintenance, and restoration of historic properties and resources in the Borough. The Commission will continue to work on various activities from the 2006 work plan including updating and improving the HRC link on the Borough website and historic district and neighborhood street signs. Mr. Madrid said HRC will also collaborate with the Interfraternity Council on HRC projects as well as the preservation of the Train Station and Post House Tavern. He said a new initiative of the Commission is adding to the list of properties included in the designated historic districts. Eligible historic properties are those properties over 50 years of age.

Mr. Daubert asked how the Commission will go about adding properties. Mr. Madrid replied the number of eligible properties has decreased; therefore the Commission will be able to handle the work. Mr. Hess added that HRC's charge is updating and maintaining a list of eligible historical properties. In addition, HRC is considering using an intern to aid in the task.

Mr. Daubert asked if specific criteria were considered; Mr. Madrid said, "Yes," adding that criteria must be met in order that a property qualifies as an historical property. Mr. Daubert then asked if a property listed for consideration can be removed from consideration at a later time. Mr. Hess said he would research the answer. Mr. Madrid said other criteria must also be met as determined by the US Department of Interior.

Mr. Madrid explained that not all projects from the 2006 work plan were completed. Specifically he noted the brown historic neighborhood signs are now scheduled in the CIP for installation on a piecemeal basis as replacements for damaged and missing signs.

Mr. Madrid said the original intent was to resign entire neighborhoods. Mr. Fountaine noted the sign replacement project is over a ten-year period. Council was given a sign map and replacement schedule.

Ms. Lafer suggested not placing new signs in the Highlands neighborhood as the signs will only disappear.

Historic Transportation Landmarks. Mr. Fountaine said that Council previously received a report on historic transportation landmarks prepared by a subcommittee of the Centre County Historical Society. The ad hoc committee for the North Atherton Street Bus Station and Post House Tavern requested that Council support the project to relocate the landmarks to a suitable location as part of the on-going Urban Village redevelopment project. Bob Donaldson from the Centre County Historical Society was present to answer Council's questions.

Mr. Daubert asked where the landmarks would be relocated. Mr. Donaldson replied that when discussions began on these landmarks, it was the committee's hope that the landmarks might be located at the new intermodal transportation center. He noted the landmarks would fit well in the UV district. Ms. Goreham said the consultants have not

yet begun to develop a plan for the UV district, but she supports the placement of the landmarks in the UV. Mr. Fontaine said that Mr. Donaldson is seeking Council's approval to consider relocation of the landmarks in the UV as part of the UV plan. Council supported the inclusion of this idea in the planning process.

Environment Initiatives. Mr. Fontaine introduced Malcolm Woolen, 818 W. Beaver Avenue, who was present on behalf of the St. Andrews Environmental Concerns Committee to discuss the initiatives being conducted in the community to reduce negative impacts on the environment. Also present was Richard Virgil, Pastor of St. Andrew's Parish. Mr. Woolen said concerns were initially raised because of the effects of global warming which our children will inherit. He explained that a member of the Committee introduced the work of Brent Yarnal to the Committee.

Mr. Virgil added that the community would benefit from participating and asked Council to support the project.

Mr. Woolen introduced Brent Yarnal, 1120 Teaberry Lane, who was responsible for implementing the Greenhouse Gas Inventory at Penn State.

Mr. Yarnal thanked Council for the opportunity to explain the local efforts to monitor and mitigate greenhouse-gas emissions and the possibility of the Borough getting involved in the project. He explained the benefits of mitigation of local greenhouse gas emission. Scientists recommend changing the climate by reducing energy and materials used. By slowing the rate of climate change we may be able to reverse the effects of the current climate change. He said currently the US government has chosen not to address the issue, but we may have an effect at the community level. Mr. Yarnal said there are currently 312 municipalities across the country participating in the initiative which was started by the Mayor of Seattle. There would be no financial obligation should the Borough decide to participate.

Mr. Yarnal offered to help the Borough with mitigation planning; a number of student interns are proposed to work with the Borough on the project which is proposed to begin with a greenhouse gas inventory in Fall 2006 and mitigation planning in the Spring of 2007. Additional funds may be needed for the project, but the team plans to raise the funds needed. He added the team's fund raising efforts have been successful in the past.

Mr. Kern questioned the Borough staff's involvement. Mr. Fontaine replied that staff is prepared for this project.

Mr. Hahn asked if neighboring townships have been informed of the project; Mr. Yarnal said once the Borough is on board, the project team will seek the townships' support. Mr. Hahn then asked about the list of mayors that have joined the project. Mr. Yarnal said there are 312 participating at this time. Mr. Fontaine said the resolution originated in the US Congress of Mayors, which the Borough is not a member

organization, but the municipalities that have signed on are a diverse range of communities, not only mayoral government organizations.

Mr. Kern said he would prefer not to make a political statement with the project. Mr. Fontaine said the resolution says that the local government will do what it can to achieve its own set of goals related to its standards; it also encourages the federal government to act in this matter. A copy of the documents will be provided to council. Mr. Yarnal said only items that are of local control will be inventoried.

Mr. Daubert asked if there is any research on how data will be obtained and if reading material was available for the project. Mr. Yarnal said a manual is available from the Environmental Protection Agency (EPA).

Ms. Dauler said that an article in the New York Times suggested an energy diet and how homeowners could do a mini inventory in their homes and begin to save money in their everyday life.

Mr. Filippelli suggested publishing energy saving tips in our Borough newsletter.

Council agreed to participate in this project.

Earned Income (EIT) Revised Rules and Regulations. Mr. Fontaine said Borough staff has worked jointly with the State College Area School District and Centre Region Tax Collectors to propose amendments to the 2005 and 2006 Earned Income and Net Profits Tax Rules and Regulations and to promulgate rules and regulations for 2007. State law requires tax collectors to promulgate rules and regulations with approval by the governing body.

The proposed amendments were required due to a revenue bulletin issued by the PA Department of Revenue. The bulletin changed the taxability of certain non-deferred compensation plan contributions for local purposes. It should be noted that the bulletin was issued in late 2005 with a retroactive clause to January 1, 2005. Since the 2006 Rules and Regulations were approved prior to the revenue bulletin release, both the current and most recent prior year regulations must now be amended to reflect the PA Department of Revenue regulations. To date, the Borough of State College has not received any refund requests related to this change. However, there are several municipalities in the Centre Region that have been petitioned for refunds for non-deferred compensation plan contributions. A summary of the 2005 and 2006 Earned Income Tax Rules and Regulations changes and the 2007 EIT Rules and Regulations was distributed with the agenda.

Mr. Fontaine said email comments from Bob Seibel, 510 E. Fairmount Avenue, were received and distributed to Council as part of the public record.

Mr. Groff said the retroactive changes for 2005 and 2006 were a result of the legislation passed in December 2005. The other changes were for the 2007 year and Mr. Groff

does not expect an adverse revenue impact based on the data so far for the 2005 and 2006 changes. He added the changes for 2007 were updates to the language.

Mr. Humphrey asked when a taxpayer pays taxes, does the tax go to the place of domicile or place of employment. Mr. Groff replied that law states the tax goes to the place of domicile; however the tax may be collected by an employer in a neighboring jurisdiction, but the employer must pay the tax and that tax office must distribute the tax to the place of domicile. Mr. Hahn said the Borough is collecting earned income tax for other townships, but this tax must go back to domicile; Mr. Groff confirmed his statement. Mr. Fontaine added that Penn State remits tax back to the appropriate district for each employee. Mr. Fontaine said Borough staff will prepare resolutions for next Monday's Council meeting approving the 2006 and 2006 amendments and the 2007 Rules and Regulations.

Zoning Amendment to Modify the Mixed Use Overlay. Mr. Fontaine noted that Council held a public hearing on proposed changes to the Mixed Use Overlay district regulations on October 3. Following the hearing, Council voted to send the proposed ordinance back to the Planning Commission for further review. Council offered comments to help identify the specific issues that should be addressed by the Planning Commission. Staff has outlined the issues presented at the hearing and during other work session discussions, along with suggested guidance that Council may forward to the Planning Commission. Mr. Fontaine asked Council to provide specific comments on any issues to be forwarded to the Planning Commission for their review of the Mixed Use Overlay amendments. Council is expected to approve the list of issues for Planning Commission consideration at the October 16 Council Meeting.

Mr. Fontaine said Mr. Seibel also submitted comments via email for public record as did Mr. Thomas Mollo, 602 East Foster Avenue.

Mr. Daubert said use of square footage for determining the maximum number of employees was not addressed. Mr. Hess said the cap for number of employees was not discussed. Mr. Fontaine said the issue would be added to the list to be passed on to the Planning Commission.

Mr. Hahn made several comments. The first was to encourage artists' studios because studios would not require as much parking as other uses would require. Mr. Hahn's second comment was in regard to the size of the Black Studio on East Beaver Avenue, especially if the building was a law or medical office building. The Black Studio is larger than he would like to see in the Overlay district; he said the Mixed Use Overlay is an inappropriate place to have such a large building. Mr. Hahn's said his last point was that he did not mind flexibility with regard to parking as long the parking does not go beyond the Urban Overlay district.

Mr. Kern said there should be a way to set rules for potential buyers indicating their business should not generate much traffic. He suggested a cap on employees and

parking. Mr. Hess reiterated that permitted business use could be defined as “the business may not generate more than a certain number of trips per day.”

Ms. Dauler said residents are concerned that more parking lots will be created by providing incentives for businesses to buy adjacent properties to create the parking lots. Mr. Hess said use of onsite parking will not be an option. Existing buildings cannot be torn down to use as parking.

Ms. Goreham agreed with putting a cap on the number of employees and limiting the size of a structure. She said Mr. Black overbuilt and cannot rent under the current ordinance, and she does not want to have other situations arise such as this. Ms. Goreham would also like to see controlled onsite parking for all employees. In addition she would prefer to have required covenants for businesses.

Mr. Daubert agreed with no on street parking for employees and the limit of employees. He added there are many disadvantages and would like to know if they outweigh the advantages. He said the plan is so complicated he cannot vote on it in any form. He hopes the Planning Commission will consider his comments.

Mr. Fontaine said the purpose of today’s discussion is to determine the issues Council feels are important. Council clearly defined on street parking as important as well as flexibility and limitations on building scale and number of employees. Mr. Fontaine suggested these issues be included in a memorandum to the Planning Commission which may be approved next week.

Mr. Filippelli said the definition for the mixed use of the Overlay District is not clear. Mr. Black has built a very large building and owns the adjacent properties but is constrained because he cannot tear down the surrounding houses and build whatever he wants on the properties. Mr. Filippelli asked what could be built on his adjacent properties. Mr. Hess said a duplex could be built. Mr. Fontaine said the East Beaver area did not drive the changes but rather while going through the process with the Black project, staff found flaws in the regulations. These flaws should be amended. At this time, the list of changes has become broader. Mr. Hess noted staff’s minimal recommendation is to amend the process at this time; specifically to allow approval of uses by the regular land development plan review process rather than the current special exception process.

Mr. Hahn said as he stated previously there are three universal issues: the availability and necessity of parking for the Mixed Use Overlay, the size of the structure, and the plans indicating preference of artists’ studios. Mr. Hahn endorsed the staff recommendations for approval of Mixed Use Overlay plans through the regular land planning process.

Mr. Daubert said people who build houses in certain zoning districts must follow the zoning regulations. If Council tried to change the zoning laws every time someone

disagreed, the Borough could not operate. He added that this person's problem has become everyone's problem and the best thing for the Borough to do is very little.

Richard Virgil said from a residents prospective, he feels all businesses should be kept on Beaver Avenue and residential on Foster Avenue.

Philip Furnas, 614 E. Foster Avenue, agreed with the idea that only parking within the overlay district should be credited for determining the parking for a use and suggested adding a description of the proposed new uses. The revised description of expanded uses in the mixed use district should prohibit traffic congestion due to buses and trucks parked or standing in the public right of way. Such uses as tours, promotions for general public, and advertised public art events or installations should be prohibited in the Mixed Use District. Mr. Furnas added that given the nature of Beaver Avenue there should be a limitation of public access to artists' studios. He objected to the proposed changes in the Mixed Use Overlay regulations.

Mr. Fontaine said staff will summarize the discussion and prepare, for Council's consideration, a memorandum that will provide guidance to the Planning Commission.

2007 Capital Improvement Program (CIP). Mr. Fontaine said staff has prepared a summary of the modifications Council has requested in the five-year Capital Improvement Program (CIP) plan. Mr. Fontaine asked that Council clarify any final changes in the Plan in preparation for vote at next week's regular Council meeting.

Mr. Daubert said Council knows the plan is a five year plan with the first year appearing in the budget in November. However, the CIP is Council's document and if the majority of Council wishes to make changes in the plan regardless of whether the change is for 2007 or 2011, the change should be made.

Mr. Hahn said he agreed. Mr. Fontaine said emphasis should not be put on the outlying projects. Projects for the upcoming year are more defined than the future projects. Mr. Fontaine asked Council if they thought any projects should be added or deleted from the Plan so the Plan may be adopted at next week's Council meeting.

Mr. Kern said Council has not made any approving or disapproving statements on their views of the CIP and consensus is not yet known. He does not want to see time wasted at next week's meeting by voting item by item. Mr. Fontaine said consensus needs to be reached in order to prepare the document for vote.

Ms. Dauler commented on the proposed paperless Council project and felt the funds set aside for this 2010 project should begin earlier.

Ms. Goreham thought the GIS project should move forward but has concerns regarding the multi-space meters. Comments from the Transportation Commission indicated that a new strategy is needed in the management of the current parking system and funds would be well spent towards a parking study. Ms. Goreham said the traffic signal

improvements for Atherton and Allen Streets do not address the much needed improvement at the Waupelani intersection.

Mr. Fontaine said the four issues raised do not offer any consensus from Council which is the way discussions had gone for the past few weeks. He requested Council's consensus on each item.

Mr. Hahn said he supports moving the proposed Paperless Council project forward.

Mr. Kerns said he supports moving the GIS project forward.

Mr. Fontaine explained if desired projects are moved forward, Council should decide which projects should be delayed because sufficient staff and resources are not available to include all projects. He added that the multi-space meter project is from the Parking fund and does not help the budget for the GIS project which is from the IS fund.

Council agreed to postpone the multi-space meter project to 2008.

Mr. Daubert suggested traffic signal improvements be done separately from other improvements needed at Atherton and Allen Streets. Mr. Whitfield said traffic signals could be done separately; however, other problems need to be addressed such as handicap ramps at all four corners of each intersection in addition to incorporating bike lanes at these intersections.

Mr. Kern suggested postponing the pedestrian nodes on Locust Lane to move the GIS project forward. Mr. Whitfield said Mr. Kern's suggestion was possible because both projects are from the General Fund. Mr. Filippelli asked Mr. Grattan if moving the GIS project forward meant the need to hire more IS staff. Mr. Grattan said all avenues would be considered before hiring additional staff. Mr. Fontaine said either more staff or resources would be needed to move forward with the GIS project.

Mr. Grattan suggested beginning with a research phase to implement the paperless Council. Council agreed.

Council agreed that expanding the scope of a parking study is not essential at this time.

Mr. Daubert said he will make a motion to move ahead with traffic signal enhancements. Mr. Fontaine encouraged such a motion not be made because the plans are not complete and the project is not cost effective.

Mr. Kern thought replacing neighborhood signs was not a good use of funds. Mr. Daubert suggested moving the arterial street sign replacement forward and work from there. Council agreed to begin with the arterial street signs.

Mr. Fontaine suggested Council consider street lighting replacement because the Borough has obsolete lights which are difficult to replace as well as inefficient. He

added that at a previous meeting Council questioned if the McAllister deck automation should be included in the Wayfinding project, but as of yet, Council has not made any recommendations. Council agreed to move ahead with the Wayfinding project and not include McAllister deck at this time.

Mr. Fontaine said a debt service schedule would be provided to Council.

CDBG/Home. Council received a report from the Community Development Block Grant Citizens Advisory Committee on October 3, 2006, and discussion was proposed on today's agenda. Mr. Fontaine recommended delaying discussion to the beginning of 2007, as there is no urgency. He added that staff has already begun to implement the new grant process which will begin in April 2007.

Fall Newsletter. A list of possible articles for the Fall newsletter, which is expected to be mailed the last week of November, was attached to the agenda for Council's review. Staff requested Council's suggestions for articles for the Fall edition.

Mr. Kern suggested an article on the Walnut Springs wetlands.

Mr. Humphrey suggested an article on low income housing opportunities as well as the joint venture with Habitat for Humanity and the Community Land Trust on the rebuild on Sunrise Terrace.

Ms. Goreham suggested letting citizens know they will be contacted to begin a greenhouse inventory.

Mr. Daubert said citizens should be updated on Borough initiatives such as the wireless project.

There being no further business, the meeting adjourned to an executive session at 10:15 pm.

Respectfully submitted by:

Cynthia S. Hanscom
Assistant Borough Secretary