

Meeting Minutes
State College Borough Council
November 6, 2006

The State College Borough Council met in a regular meeting on Monday, November 6, 2006, in the State College Municipal Building Council Room, 243 South Allen Street, State College, Pennsylvania. Mr. Welch called the meeting to order 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; Alfred Jones, Hearing Officer; Carl R. Hess, Director of Planning; Herman L. Slaybaugh, Zoning Officer/Planner; Thomas R. King, Chief of Police; Amy Story, Borough Engineer; Mark Whitfield, Director of Public Works; Michael S. Groff, Finance Director; Thomas S. Kurtz, Assistant Manager; Cynthia S. Hanscom, Recording 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: No members of the public spoke.

CONDITIONAL USE HEARING

State College Area School District Conditional Use Request to Reduce Parking. Mr. Hahn noted that on October 16, his law firm was engaged by State High Vision. Because of his interest in the law firm, he was not longer a disinterested party. He said that he would be abstaining from the vote and would excuse himself from sitting with Council during the hearing.

Mr. Fountaine said that Council received an application from the State College Area School District for a conditional use to reduce required parking incidental to expansion and renovation of the high school (north building) by 386 spaces, a 40.1% reduction. The zoning ordinance requires 962 parking spaces to be provided, but further provides a conditional use provision that allows up to a 50% reduction in the required parking provided certain conditions are met by the applicant.

Mr. Fountaine said, as provided by state law, the required conditional use hearing will be led by a Hearing Officer, Attorney Alfred Jones, previously appointed by Council. Mr. Fountaine noted that once the hearing is closed, Council is not allowed to receive any further input, oral or written. Council discussion of the issue will be scheduled for a work session later in November. A decision on the conditional use application must be made by December 21 (within 45 days of the hearing).

Mr. Jones said an application had been received by the property owner, in this case the State College Area School District (SCASD), which plans to use the land subject to the conditions of the Zoning Ordinance. The purpose of the hearing is for Council to hear a presentation to determine if the land owner meets the standards necessary to grant the conditional use. As part of this hearing, there will be an opportunity for property owners or citizens of the Borough to comment but the comments must be material and relevant to the issue. He instructed the public that once the hearing comes to an end, the record will be closed.

Mr. Jones asked Mr. Slaybaugh and all those present who wished to testify to raise their right hand and be sworn that the testimony they were about to give was true to the best of their knowledge. All did so.

Mr. Slaybaugh presented an overview of facts on the property in question and the requirements that must be met for a conditional use to be granted for the reduction of parking. Mr. Slaybaugh also submitted the following exhibits:

Exhibit 1	Initial parking plan submitted by the SCASD in early 2006
Exhibit 2	Chapter XIX, Part H – Off Street Parking, Section 2043. Number of Spaces Required., from the Zoning Ordinance
Exhibit 3	Proposed development plan of the subject site dated September 11, 2006
Exhibit 4	Potential parking plan for Community Field dated September 11, 2006
Exhibit 5	Written request from the SCASD for the conditional use, dated September 11, 2006

Mr. Jones asked if Council had questions for Mr. Slaybaugh. There being none, he called the next to testify.

Ed Poprik, Director of Physical Plant, presented testimony and Exhibit 6, which was a reduced parking plan for the subject property. He indicated noted the exhibit shows 718 spaces on the existing campus with 379 on the north campus and 339 on the south campus. Of those spaces, 340 are allotted for staff parking and 350 are allotted for students with 28 visitor spaces available for the public. There are an additional 42 spaces available for students at the Welch Pool, part of an agreement with Centre Region Parks and Recreation. A total of 450 permits are issued for student parking. It is proposed that with the renovation there would be 340 spaces designated for staff, 36 visitor spaces and 200 student spaces.

Craig Butler, Principal of the State College Area High School, indicated there were three programs that necessitate student parking. One such program was the learning enrichment program, where students are concurrently enrolled in classes at Penn State for advanced study, job shadowing, serving an internship or have community service activities, or private instruction in the arts and specialized areas. Students in the diversified occupation program work in a field that coincides with their academic program. Also, spaces are allocated for the Delta program and hardship situations where a specialized family need requires the student to drive to and from school.

Mr. Poprik indicated that the number of spaces proposed for students under the new plan would be decreased by 192 spaces. He noted that it is proposed that future parking would be available on the south campus. Also, the School District has been working with the Centre Region Park and Recreation Department to create a shared parking lot with the Welch Pool for 100 additional spaces. The request for a reduction in parking is a balance between the strong desire for green space while accommodating the parking needs for the high school.

There being no questions from Council, Mr. Jones asked members of the public if they wished to testify.

Ron Madrid, Vice Chair of the Planning Commission, noted the Commission endorsed the request and commended the School District for their desire to reduce parking and provide more green space. He encouraged the School District to continue this by reducing parking to the full 50 percent rather than 40 percent. He encouraged the School District to consider other options to provide for the parking needs, such as off-site parking in the large, unused parking lot at Westerly Parking Shopping center.

Eric Topp, 605 West Prospect Avenue, said he supported the reduction in parking. His property overlooked Community Fields and, as a taxpayer, he would like to see parking reduced as much as possible. Although it is still unclear on what is being proposed for the South Building, he encouraged the School District to use the facilities on this site.

William Hartman, 534 West Fairmount, said he was speaking as an officer of the Holmes-Foster Homeowners Organization. A resolution had been passed by the organization requesting that the School District's proposal for the Community Fields be eliminated. This would include not only the parking but also the bus parking which could be relocated. If parking is reduced the worst solution for the neighborhood would be to have the bus parking at the closest point to the neighborhood. Mr. Hartman noted that he appreciated the reductions but suggested it be reduced further and relocated.

Janet Magner, 520 West Fairmount Avenue, echoed the sentiments that Community Fields should be open space. She showed a picture from the Centre Daily Times of her son sledding on the bank on the north side of the field. Paving over this area will create problems with storm water drainage. She agreed the reduction in parking should be increased to 50 percent.

Caroline Eckhardt, 736 West Hamilton Avenue, supported the component that Borough and SCASD should seek the maximum relief from providing parking. She noted that the concept of relocating the parking should be further developed. She suggested parking could be moved to the driver education location so that it does not border a lower density neighborhood. There is plenty of paved area at the Westerly Parkway shopping area, the South Building and Welch pool that could be used as alternate locations.

Mr. Jones reminded the public that this hearing is not to think of better ways to go about providing parking. The scope of testimony is for Council to determine if the requirements of the conditional use are being met by the applicant. The expression of better ways to provide the parking is not material to the proceedings.

Mary Marino, 720 South Sparks Street, appreciated the opportunity to speak and admired the efforts to consider a reduction of parking. She supported the Planning Commission's comments to reduce the required parking as much as possible. Many homes that are close to this institution were built with apartments for income and for safety and well-being. More parking and corresponding detriments will take away the benefits of that lifestyle. Most of the neighborhood residents are home during the day. The bus parking would bring more noise and fumes to the

west. She encouraged the School District to limit the bus parking as much as possible as it provides no educational value.

Mr. Jones reminded those present that the bus parking issue was not before council tonight.

Harry Pionke, 606 West Hamilton Avenue, said he lives very close to the proposed parking. He was opposed to the reduction because, even though the parking is reduced, the parking lots would be further from Atherton Street and closer to the Holmes-Foster neighborhood. Mr. Pionke also commented that the reduction in student spaces would impact the neighborhood. He recommended the reduction in parking not be granted because it would create more problems for the neighborhood.

Geoffrey Wilson, 441 West Nittany Avenue, said he had lived in the neighborhood since 1969. The Community Fields property is part of the community. He encouraged Council to use the utmost flexibility in reducing the parking to maintain the green space rather than black space.

Taylor Greer, 625 South Sparks Street, noted the plans for renovation of the school is an on-going planning process that is not complete. There will be adjustments made as plans become finalized for the south site. The conditional use will allow for more green space at this end of town.

Kathleen Dimuccio, 1129 Oneida Street, quoted from a song where "they paved over paradise and put up a parking lot." She believed Community Fields was the last piece of paradise in the Borough and that Council should support the reduction and ask the School District to further reduce the parking as much as possible.

Daniel Nestlerode, 430 West Irvin Avenue, indicated that he ran a business from this street and it gets very congested with sporting events that occur in Community Fields. He suggested parking be provided on his 1-acre piece of land off of West Irvin Avenue. The land could not be seen from Atherton Street or the Holmes-Foster neighborhood but is adjacent to the high school. It would be a less obtrusive solution to the parking problems.

Mr. Jones reminded those present to speak to the issue of the conditional use.

Victoria Fong, 793 West Hamilton Avenue, was a late arrival and was sworn in to speak. She supported the conditional use request as it provided a fair balance of needs for the School District but preserved the open space. The Community Fields property accommodated the entire community. She cautioned that this plan should not overlook the impacts on residents along Westerly Parkway.

Paul Mazza, said he was a property owner in the Borough but not a resident. Community Fields was not built with public funds but with the labor of the public in 1930s and 1940s. This record of community involvement is a significant matter. Borough Council has an obligation to protect this resource. Zoning must provide for all uses. The zoning allows for the school, which has an equal obligation to the community. However, the destruction of this field would be a destruction of community resources. The conditional use was not intended to destroy community resources. Mr. Jones noted that the ordinance as it was written needed to be followed for this hearing. Mr. Mazza stated the question should be raised on whether or not the ordinance was defective. The School District has not answered the question on what would happen to the south building. There were over 200 spaces across the street which would not require the destruction of Community Fields. Mr. Jones noted that issue was beyond the scope of the hearing tonight. Mr. Mazza asked that a decision on the conditional use be postponed until the School District commits to a plan for the south building so that parking could be used that would not require the destruction of Community Fields.

Lori Paterno, 923 South Sparks Street, stated there would be a reduction in the proposed parking but in reality there would be an increase of 181 spaces to the campus. The School District has indicated they would not be adding to the total number of teachers; therefore, those 181 spaces would be utilized by students. There are already problems on South Sparks Street with the younger population driving too fast. These new drivers do not drive well and it has been documented that accidents are the leading cause of deaths for teenagers. This plan would encourage 181 more teenage drivers on a daily basis. She noted that in theory the reduction in parking required seemed to be a good idea but in reality was not.

Mr. Jones asked for additional testimony. There being none, he closed the record. He noted the record would consist of the testimony and the 6 exhibits. He reminded those present that no further testimony on the issue would be entertained. Council has scheduled discussion on this issue for November 13 with action on the request proposed for November 20.

CONSENT ITEMS

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

Minutes for September:

September 5, 2006	Regular Meeting
September 11, 2006	Work Session
September 18, 2006	Special Meeting
September 18, 2006	Regular Meeting
September 22, 2006	Work Session
September 29, 2006	Work Session

Appoint Craig Humphrey as the voting delegate for the National League of Cities' Annual Business Meeting on Saturday, December 9, 2006, at the Congress of Cities in Reno, Nevada.

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

GENERAL POLICY AND ADMINISTRATION

2007 CDBG/HOME Consolidated Plan. Mr. Fontaine noted the 2007 CDBG/HOME Consolidated Annual Action Plan provides details on projects proposed to be funded by federal Community Development Block Grant (CDBG) and Home Investments Partnerships Program (HOME) grant money in 2007. The CDBG Citizens' Advisory Committee reviewed the Plan at its meeting September 12 and recommended it be approved by Council. The Plan must be submitted to HUD by November 15. A public hearing was held on the Plan on October 3, 2006. No public comments were made.

Mr. Humphrey moved to approve the plan. Mr. Hahn seconded the motion, which passed unanimously.

2005, 2006 and 2007 Earned Income Tax Rules and Regulations. Mr. Fontaine noted that Borough staff has worked jointly with the State College Area School District and Centre Region Tax Collectors to prepare amendments to the 2005 and 2006 Earned Income and Net Profits Tax Rules and Regulations and to promulgate the 2007 Rules and Regulations. State law requires the Tax Collector to promulgate rules and regulations with approval by the governing body.

The proposed amendments to the 2005 and 2006 rules 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 was 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 2005 and 2006 regulations had to be amended to reflect the PA Department of Revenue regulations. To date, the Borough of State College has received one refund request related to this change. Within the Centre Region, there have been additional requests received by the tax offices for refunds of the portion of local tax attributed to non-deferred compensation plan contributions.

Mr. Fontaine said that Council is being asked to adopt a resolution to approve the amendment of the 2005 and 2006 Earned Income Tax Rules and Regulations to reflect this change. Also, Council should consider a separate resolution to approve the 2007 Earned Income Tax Rules and Regulations.

Mr. Kern moved to approve Resolution 922 to approve the change to the 2005 and 2006 Earned Income Tax Rules and Regulations and approve Resolution 923 to approve the 2007 Earned Income Tax Rules and Regulations. Ms. Goreham seconded the motion. The motion passed with a 7-0-0 vote.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Ms. Dauler announced an executive session held prior to this meeting to discuss litigation and an executive session to follow this meeting to discuss personnel matters.

There being no further business, the meeting adjourned to an executive session at 8:50 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary