

**Meeting Minutes
State College Borough Council
January 2, 2007**

The State College Borough Council met in a regular meeting on Tuesday, January 2, 2007, in the State College Municipal Building Council Chambers, 243 South Allen Street, State College, Pennsylvania. 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; Thomas S. Kurtz, Assistant Manager; Thomas R. King, Chief of Police; Carl R. Hess, Community Development/Planning Director; Herman L. Slaybaugh, Zoning Officer/Planner; Amy J. Story, Borough Engineer; Michael S. Groff, Finance Director; Mark A. Whitfield, Director of Public Works; Ernest C. Dabiero, Director of Purchasing; Michele Nicolas, Director of Human Resources; Cynthia S. Hanscom, Recording Secretary; members of the media; and other interested observers.

Mr. Welch began with a moment of silence and the Pledge of Allegiance.

PUBLIC HOUR: There were no members of the public wishing to speak.

CONSENT ITEMS

Appointments to Various Authorities, Boards and Commissions. Mr. Welch noted that Council selected several nominees to serve or continue to serve as members of ABCs. Each of the nominees has been contacted and expressed a willingness to serve on the boards assigned to them by Council. They are as follows:

BOROUGH ABCs	Term Expires	Name
Board of Health	12/31/2011	Robert Weaver
CDBG Citizens' Advisory Committee	12/31/2007	Connie Randolph
Planning Commission	12/31/2010	Silvi Lawrence
OTHER ABCs		
Airport Authority	12/31/2011	Ron Filippelli
Community Land Trust	12/31/2009	Barbara Seibel
CATA	12/31/2011	Kathryn Bittner
Ad hoc Regional Park Committee		Thomas Daubert
Ad hoc Stream Buffer Committee		Elizabeth Goreham

Mr. Daubert moved to appoint the individuals as listed. Ms. Dauler seconded the motion, which passed unanimously.

GENERAL POLICY AND ADMINISTRATION

Resolution for Electronic Bidding of Vehicles and Rock Salt. Mr. Welch noted that Borough Council approved the Electronic Bidding Ordinance amendment to the Borough's Purchasing Ordinance in November of this year. This amendment authorizes the Borough to use competitive electronic auction bidding (reverse auctions) for the purchase of goods and services, when this method is deemed to be in the best interests of the Borough. The Borough's Electronic Bidding Ordinance was modeled after state legislation which allows competitive electronic auction bidding processes, such as reverse auctions, to purchase supplies or services, upon adoption of a specific resolution. Council is being asked to approve a resolution stating the reverse auction is in the best interest of the Borough for purchase of vehicles in the Police Department and light duty pick-up trucks in the Public Works Department, and for bulk rock salt for deicing during the 2007-2008 winter season. Staff is proposing to hold reverse auctions for these items in early 2007.

Council discussed the reverse auction and how the bidding is done in reverse in that bidders continue to lower their price to be awarded the bid. Mr. Fountaine noted that this type of reverse auction was used for the bond issue but has not been used for other procurements.

Ms. Goreham moved to approve Resolution 931 to permit electronic bidding of vehicles and rock salt. Upon second by Ms. Dauler, the motion was approved by a 7-0-0 vote.

PLANNING AND ZONING

Receive a Request for Rezoning and Zoning Amendment. Mr. Fontaine said that HFL Corporation was requesting that Council rezone the parcel located at 256 E. Beaver Avenue from its current R-2 Residential zoning to Commercial Incentive (CID) zoning. In addition, the applicant was requesting two amendments to the CID to allow for an increase of Floor Area Ratio (FAR) for rental apartments from its current maximum of 2.0 to a maximum of 3.0 and to reduce the amount of parking required for the project.

Mr. Fontaine said that Council may receive and refer the proposed amendment to the State College Borough, Centre Regional and Centre County Planning Commissions for review and comment.

Mr. Hess presented an overview of the proposal. He noted the present zoning is R2 Residential. The subject property (256 East Beaver Avenue) has several store fronts on Beaver Avenue with access to the upper floors from Highland Avenue. The CID was adopted in November 2005 and replaced the previous General Commercial zoning designation for some properties in the area, including the property directly across Beaver Avenue from the subject property. He presented maps of the area showing the location of the property and zoning districts in the vicinity. He noted that the subject property is part of a strip of four R2 zoned properties along Beaver Avenue and is cut off from other R2 properties in the neighborhood.

Mr. Daubert stated that, although he did not have a problem with the Planning Commission studying the zoning in this area, this particular proposal is counter to what Council is hoping to achieve in the downtown. Mr. Daubert moved that this proposal be denied. Ms. Goreham seconded the motion.

Upon discussion of the motion, Mr. Kern stated this property was surrounded by apartment houses and was in a high density area. Although he would like to encourage single-family housing, this may not be the appropriate location. Council should consider keeping the high density core student population in the core of the downtown rather than pushing it into the neighborhoods and suburbs. A goal of this Council is to increase the tax base and he believed this building would pay a significant property tax.

Mr. Hahn commented that he would prefer to forward this to the Planning Commission for comment. He saw many problems with this proposal as large buildings tend to have negative impact on surrounding residents. The R2 zoning may not be appropriate because owner-occupied housing was far removed from this area and may not be suitable. He saw an increase in the FAR as undermining the incentives for the CID. He said he would entertain other options for rezoning for this area and suggested it be sent to the Planning Commission for comment. Mr. Daubert said he agreed that the area may need to be studied but did not agree that this proposal should be considered further in any manner.

Ms. Goreham agreed that this proposal should not be sent forward. She did not feel that staff should take the time to refine the proposal. This intensifies the density issues with the Beaver Canyon and creates a sheer wall of tall buildings that only encourages misbehavior. She believed that other uses were needed, such as office space. She noted that the increase in freshman this year at Penn State has had a negative impact on the local neighborhood and this proposal would only increase that impact. Council needs to do more to protect the neighborhoods.

Mr. Filippelli asked how many students would occupy the proposed building. Mr. Fred Fernsler, architect for the project, estimated there would be 200 residents.

Mr. Humphrey commented the existing building was in poor shape but he was not convinced that the only use for the lot would be a high rise.

Mr. Alex Sahakian, property owner, said the property had been on the market for a considerable period of time. There was very little interest in developing anything other than student housing. The area was not conducive to owner-occupied housing as it was surrounded by student housing. There is a demand for student housing. If it is not provided in this area where it can be accommodated, it will go somewhere else such as the North Atherton corridor. As developers, this project was responding to the market. He had office space available that has been vacant for several years. Building student housing at this proposed location would satisfy a demand. He believed the Commercial Incentive District had some good concepts, such as green design. He said that Council should recognize that students are a vital part of the community but there are only a few that create problems.

Mr. Welch asked about the design of the building. Mr. Sahakian said it would be set back 50 feet from the curb face. The windows facing Beaver Avenue would be sealed. Commercial space would be provided on the first floor.

Mr. Hahn noted that there were several gradations between the R-2 and Commercial Incentive District and asked if they had been considered. Mr. Sahakian said he had proposed rezoning to Commercial Incentive because it was adjacent to the property and would accommodate the

proposed use. Mr. Hahn noted that this Council can decide on its own to rezone to something else; he said he would be interested in what the Planning Commission would recommend. Mr. Humphrey agreed.

Mr. Daubert noted the Commercial Incentive District does not require side yard setbacks unless abutting an alley. This means that the building could be built up to the property line which would create sight distance problems for vehicles pulling out onto Beaver Avenue from Locust Lane. He also expressed concern that rezoning from the R2 could emasculate the three existing fraternities in that strip of the R2 zone. He said he did not see a problem in having the Planning Commission take a look at this area for possible rezoning.

Ms. Dauler said the argument is that this the most appropriate area for student housing. However, there is no end to this type of thinking. The area for student housing seems to grow. It is a fact that this area of town already requires a large amount of Borough services. Having another high-rise structure seems unreasonable. The community has made it clear that they do not want more apartments for students in the downtown.

Mr. Kern noted there were 43,000 students attending the University. If they don't live downtown, they will be pushed out into the townships. Then there will be problems with traffic. It is the hope that building can occur to allow the Borough to maximize the use of parking facilities that are underutilized. There is downtown property that is underutilized. The Borough can either do things to encourage the tax base or push it out to the townships. He believed Council should work with the developers to meet the housing demands.

Mr. Welch asked the impact on the proposed development if the Planning Commission studied the zoning of the property over the next 5 months or so. Mr. Sahakian indicated it would still be a workable project. He said he understood that the suggestions being made would require some time to review and would be willing to work with the Borough in studying the area.

Mr. Filippelli said he understood that there is a finite demand for student housing but did not agree that it would not continue to grow. He said it would not be appropriate to turn over the downtown to the student housing market. Building downtown could create a market that draws existing students currently residing in the outskirts back into the downtown. In looking toward a vision for the future, he was not willing to accept that this area as only suitable for high-rise student housing and pizza shops.

Ms. Goreham noted that this was less than four blocks from the Fraser Center, which is an area of the downtown that Council is spending considerable effort to redevelop into residential uses other than student apartments. She noted that in a recent New York Times article, it was written that Madison, Wisconsin, was addressing similar issues with housing.

Mr. Sahakian noted alternative uses were considered for the site. From a financial and market standpoint, it was determined that the project would not sell. He agreed that the student housing needed to end somewhere but there needed to be some give and take in the mix.

Council voted on the original motion made by Mr. Daubert and seconded by Ms. Goreham to deny this proposal. The vote was 6-1-0, with Mr. Kern opposed. The motion passed.

Mr. Hahn moved to request the Planning Commission review the zoning on the south side of the 200 block of East Beaver Avenue. Mr. Humphrey seconded the motion. The vote was 6-1-0, with Ms. Dauler opposed. The motion passed.

OFFICIAL REPORTS AND CORRESPONDENCE

Conference Reports. Ms. Dauler reported that both she and Mr. Humphrey attended the National Trust for Historic Preservation Conference held in Pittsburgh in November. She attended a workshop on how to communicate with Congress. Mr. Humphrey indicated he took part in a tour of downtown Pittsburgh noting the preservation of the older architecture where many business headquarters were located. He noted there was one interesting example of an office building being converted to residential units. .

Ms. Goreham reported she attended the National League of Cities (NLC) Conference and met with the infrastructure committee for transportation planning. She noted there were discussions held on funding and the disconnect between national and local needs. She indicated there would be a series of hearings held addressing this nationally, one of which would be in Washington D.C. Since she was the only member on the steering committee from Pennsylvania, she wanted to contact the Pennsylvania League of Cities to find ways to promote transportation needs in Pennsylvania. Council members agreed and encouraged Ms. Goreham to proceed.

Mr. Daubert reported the NLC Information Technology committee met and talked about federal and state communications. The chairman of this committee plus staff have been told by the officers of larger telecommunication companies they are having success in getting what they want out of states and, therefore, are not pushing very hard at the federal level for legislation to preempt local cable franchise powers. Mr. Daubert distributed a legal opinion on the recent ruling of the Federal Communications Commission regarding video franchising as well as legislative

priorities approved by the Pennsylvania League of Cities and Municipalities Board. He asked that the latter be placed on a future work session agenda for discussion.

Staff/Committee Reports. Mr. Fontaine said the Conflict of Interest Policy had been distributed to Council as part of their agenda. He noted that it is recommended that the policy be distributed once a year, and that its receipt be made part of the meeting record. Council members are asked to review the policy so that conflicts of interest do not occur in the coming year.

There being no further items for discussion, the meeting adjourned at 1:07 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary