

**Meeting Minutes**  
**State College Borough Council**  
**Monday, February 5, 2007**

The State College Borough Council met in a regular meeting on Monday, February 5, 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: Terry Williams, Borough Solicitor; Thomas S. Kurtz, Assistant Manager; Lt. Dana Leonard, 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; 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.

**Urban Village Steering Committee Report.** Steering Committee Chair Rich Kalin and Project Manager Karen Dickenson were in attendance to present an update to Council on activities to date and provide Council with an updated schedule for the remainder of the project.

Mr. Daubert asked if Council would be getting more than one proposal. Ms. Dickenson noted that several choices were presented to the steering committee but there would be only one plan that reflects the input from all the stakeholders. Council members are welcome to attend any of the public meetings or the steering committee meetings to provide input. Mr. Daubert said he felt that the plan would be too restrictive in scope and had hoped that there would be options. Mr. Kalin noted that there were two Council members on the steering committee and he hoped that they would not only report to Council but solicit input as well. Mr. Filippelli said the consultants were engaged to go through a process and come up with a recommendation that this Council could accept or modify. He did not believe that Council would be restrained. Mr. Kurtz noted that in trying to develop a consensus among property owners there would be only one choice. Hopefully, the report will be a collection of ideas that will work for the property owners.

**Recognition of Various Scout Projects.** Mr. Whitfield noted that February 8 will mark the 97th Anniversary of the Boy Scouts of America, and traditionally, the 2nd week in February is recognized as Scout Week by the President of the United States. A major requirement to achieving the various ranks with the Boy Scouts is completing a community service project. To achieve the Eagle Scout rank, a scout's highest achievement, the scout is required to plan, develop, and give leadership to others in a service project helpful to any religious institution, any school, or community. Mr. Whitfield recognized the following six boys, all from Troop 83, chartered by the Knights of Columbus, and their projects:

- Brian Highlands – for construction of a new trail in Lederer Park.
- Mike Milillo – for construction of a connecting trail from Walnut Springs Park.
- Brad Strigle – for clearing brush and debris from an old barn foundation around the Centre Furnace Mansion.
- Matt Lachman – for placement of landscape materials around Allen Street parking lot and walkway.
- Cory Eck and Colin Morella – for painting “No Dumping” reminders at storm water grates

Mr. Whitfield noted that these projects included over 600 hours of time dedicated to the community. Mr. Welch congratulated and thanked each of the boys and presented each with an official Borough pin.

**Recognition of Tau Phi Delta.** Mr. Whitfield noted that since 1989, the Tau Phi Delta fraternity has held an annual work day in Lederer Park. The fraternity annually organizes this community service project in remembrance of one of their former members and Borough Arborist, the late Jim Evans. Mr. Whitfield recognized Josh Holiday and the other fraternity members for the work completed in Lederer Park last October.

PUBLIC HEARINGS

**State College Area School District Petition for Street Vacation.** Mr. Kurtz indicated that at the meeting of January 16, Council received a petition from the State College Area School District to

vacate that section of the unopened West Irvin Avenue right-of-way that separates the high school north building from Community Fields. As required by the Pennsylvania Municipalities Planning Code (MPC) and the Centre Regional Planning Commission (CRPC) Articles of Agreement, the petition has been forwarded to the State College, Centre Regional and Centre County Planning Commissions for review and comment. The MPC and CRPC Articles afford these agencies 45 days to complete their reviews. The required public hearing has been advertised for this meeting. Following the hearing, Council may direct staff to prepare an ordinance for consideration by Council to vacate the street. Since a period of 30 days is required for advertising this ordinance, the approval is scheduled for March 19.

Mr. Hahn stated that his law firm has been engaged to represent State High Vision and, therefore, he has a financial interest in this issue. He indicated he would be abstaining from any future vote or discussion on this issue.

Mr. Hess presented an overview of the street vacation and indicated that the Borough would be relinquishing of any future municipal interest in the right-of-way. He noted that there were no public improvements or public use of the right-of-way. The petition for vacation is supported by the abutting landowner, which in this case is the State College Area School District. There was one caveat in that there is a 6-inch water line that must be relocated or an easement granted. He said the State College Borough Water Authority had indicated their willingness to abandon this line.

Mr. Hess noted that, since there are no plans to build a street, and the vacation would have no adverse impact on the existing street system or abutting property owners, planning staff is recommending approval of the street vacation. The State College Planning Commission has reviewed the petition and recommends Council approve the vacation. Comments from the Centre Regional Planning Agency indicate that the proposal will have no regional implication and would not be inconsistent with the Comprehensive Plan.

Mr. Humphrey asked if the vacation was being done as part of the School District's renovation plans. Mr. Slaybaugh replied affirmatively, stating that a small portion of the proposed north wing would cross the right-of-way.

Mr. Welch asked if there were comments from the public on the street vacation. There being none, he closed the public hearing.

Mr. Kern moved to instruct staff to prepare an ordinance to vacate the street. Ms. Dauler seconded the motion. The vote on the motion was 6-0-1 with Mr. Hahn abstaining because of a financial interest.

#### CONSENT ITEMS

Ms. Dauler moved to approve the following consent items. Mr. Daubert seconded the motion, which passed unanimously.

- Special activity to conduct a walk on Sunday, October 14, 2007 on various sidewalks in the Borough and University to benefit the State College Area Food Bank and Crop Walk USA.
- Special activity to conduct a charity walk on Sunday, April 29, 2007, on various sidewalks in the Borough to benefit the Habitat for Humanity of Greater Centre County (formerly the Tri-County Habitat for Humanity).

#### GENERAL POLICY AND ADMINISTRATION

**Council May Take Action on a Resolution for the Destruction of Records.** Mr. Kurtz said that in accordance with Act 428 of 1968, adopted for use by Council through enactment of Resolution 706 in 1993, each individual act of record disposition must be approved by Resolution of the governing body. A request has been received for the destruction of records in the Finance Department.

Mr. Kern moved to approve enact Resolution 934 authorizing the destruction of obsolete records being held by the Finance Department. Ms. Dauler seconded the motion, which passed unanimously.

**Proposed Ordinance Requiring Removal of Graffiti.** Mr. Kurtz said that in August and September of 2006 an interdepartmental staff team met to review and improve the Borough's responses to graffiti incidents. The team identified and implemented changes needed in current practices. The team found that in some cases property owners are not responsive when they receive the Borough's request for removal of graffiti. Since there is no ordinance requiring removal of graffiti, there is no way to require the clean-up.

Mr. Kurtz reported the interdepartmental team reviewed approaches taken in other communities, some of which were in larger cities and aggressively sent out full time crews to clean up graffiti on private property. Since there was no tool in place to force property owners to clean up graffiti, the

team was recommending adoption of an ordinance that requires removal of graffiti on private property within 14 calendar days after notice from the Borough. He asked Council to receive the proposed ordinance at this meeting and schedule adoption for the February 20 meeting.

Mr. Daubert asked if this ordinance was requiring property owners to report incidents of graffiti. Mr. Kurtz replied that they would like to have the graffiti reported but it was not required. One reason that it would be important was that understanding patterns help solve crimes. Mr. Daubert noted that the police make a federal case when a report of graffiti is filed and make the individual reporting the crime feel like a criminal.

Mr. Daubert said he believed the 14-day timeframe to get the graffiti cleaned up was too restrictive. In extreme cold weather conditions, it is difficult to get paint off a wall. Mr. Kurtz noted the weather could be a limiting factor. The interdepartmental committee that met hoped to find a balance between what is aggressive and what is limiting. The goal was to present a timeframe that would get the graffiti removed in a timely manner. Mr. Humphrey agreed that the 14-day timeframe was too restrictive. In some cases, depending on the season, it is not possible to paint until Spring. Council discussed an alternate number of days and could not come up with an appropriate number. Mr. Welch suggested language could be added that provided the owner 14 days to remove the graffiti "barring inclement weather."

John Simbeck, 601 Enterprises located at 601 West College Avenue, understood that graffiti was a problem in other cities but believed this ordinance was restrictive. He said the ordinance would encourage the "artists" to increase their performance. He questioned if the fines collected would be used to clean up graffiti. He also commented that the fines, in this case, would be punishing the victim.

Mr. Kurtz reminded Council that they were being asked to make a judgement on whether or not graffiti is a detriment to the community. Mr. Kern believed this is a solution in search of a problem. He said he did not believe graffiti was enough of a problem to warrant the penalties this ordinance would impose on property owners.

Mr. Kern moved to forward this item to a work session for further discussion. Mr. Hahn seconded the motion, which passed unanimously.

**Appointments to Various Authorities, Boards and Commissions.** Mr. Kurtz said 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. He noted that two ABC appointments are made by Council based on recommendations from the School Board and Planning Commission. At their meeting of January 8, 2007, the State College Area School District Board recommended Council approve the reappointment of Ken Mawritz as the District's representatives on the Centre Region Parks and Recreation Board. At the meeting of January 29, 2007, the State College Planning Commission recommended Bill Ryan be appointed as the Centre Regional Planning Commission representative with Evan Myers serving as an alternate.

Mr. Welch announced the nominations were as follows:

BOROUGH ABCs	Term Expires	Name
Historic Resources Commission	12/31/2010	Anne Messner
	12/31/2010	Janet Magner
	12/31/2010	Susan Bardo Mary Ann Schreck
Tree Commission	12/31/2009	Alfred Traverse
OTHER ABCs		
Centre Region Park & Recreation Authority	12/31/2011	Kenneth Mawritz
Centre Regional Planning Commission	12/31/2007	Bill Ryan; and Evan Myers, alternate

Mr. Kern asked Council vote separately on each group of nominations.

Mr. Humphrey moved to appoint Ann Messner, Janet Magner, Susan Bardo, and Mary Ann Schreck to the Historic Resources Commission. Ms. Dauler seconded the motion, which passed with a 7-0-0 vote.

Ms. Dauler moved to appoint Alfred Traverse to the Tree Commission. Mr. Hahn seconded the motion. The motion passed with a 7-0-0 vote.

Ms. Dauler moved to appoint Kenneth Mawritz to the Centre Region Park & Recreation Authority. Mr. Humphrey seconded the motion, which passed unanimously.

Mr. Kern moved to appoint Bill Ryan to the Centre Regional Planning Commission with Evan Myers as the alternate. Mr. Hahn seconded the motion. The motion passed with a 7-0-0 vote.

## REGIONAL ISSUES

**State College Area Plan Steering Committee Report.** Eric Vorwald, Centre Region Planning Agency Planner, presented an update on the State College Area Plan Steering Committee. He explained that the 26-member committee was working on a 2-year project to develop a detailed land use plan. The initial task was to set a study area, which includes the entire Borough of State College and adjacent areas. Mr. Vorwald presented a map of the study area and noted that the Circleville Road area was added following a bus tour in June 2006. The Committee then came up with 100 challenges and opportunities and divided them into categories. Issues of particular interest to Council included transitional zones/buffer areas and maintaining stable neighborhoods. Mr. Vorwald noted that guest speakers had met with the Committee to enable coordination with other on-going activities such as the Urban Village Revitalization Plan. Mr. Vorwald added that CRPA staff was reviewing other reports and recommendations for the downtown and neighborhoods to incorporate those recommendations. The next step was to continue providing background information to the Committee so that goals and policies for land use can be developed.

Ms. Goreham said that she and Mr. Kern sat on this Committee as representatives from Council. She said that Mr. Vorwald had done a good job of organizing and facilitating the efforts of the Committee. The comments coming from Committee members were intuitive and thought provoking. She would like the other members of the Steering Committee to be informed about proposals before Council and the Planning Commission such as Fraser Center and the major hotel proposed along the 500 block of East College Avenue.

Mr. Kern commented that, in some cases, past planning efforts never came to fruition for many different reasons. The Committee was discussing recommendations that have been made in the past and what is actually implementable. Although there have been several good ideas presented in former reports, the Committee was determining what was achievable in the current economic environment.

Mr. Daubert stressed the importance of using the neighborhood reports that were done rather than starting from scratch. Those recommendations should be incorporated into the Plan. Mr. Vorwald indicated both staff and the Committee had been reviewing the reports to insure that they are applicable.

## PLANNING AND COMMUNITY DEVELOPMENT

**Zoning Amendment: Mixed Use Overlay District.** Mr. Kurtz said that Council is requested to receive a zoning amendment to the mixed use overlay district regulations. An initial proposal was submitted in June 2006 by Michael Black, a property owner in the mixed use overlay area at the east end of Beaver Avenue. Council received a zoning ordinance amendment recommended by the Planning Commission in September 2006 and referred it back to the Planning Commission in October with the request that the Commission give further consideration to changing the parking, permitted uses, the ability to expand structures and the number of employees. The Planning Commission reviewed the changes and, on January 29, 2007, recommended the revised zoning ordinance amendment be forwarded to Council.

Council is requested to receive the zoning ordinance amendment and schedule a public hearing for March 5, 2007.

Mr. Hess presented background material on the proposed change. He said the major changes include prohibiting use of on-street parking, allowing for new construction, applying design prohibitions, applying a ratio of 1 employee per 250 square feet of gross floor area with a maximum of 20 employees, reducing parking for nonresidential uses by 50 percent, allowing for two curb cuts, and changing uses to remove tour operators and detective services while adding artist studios.

Richard Virgil, 620 East Foster Avenue, cautioned Council to proceed carefully. The ordinance was very complicated and the changes proposed would make an impact. He asked that property owners in the 500-700 blocks of East Foster Avenue be notified of the public hearing in writing. Mr. Hahn said he was sympathetic to the need for written notice and believed that all the other residents in areas where this applies should be notified as well.

Mr. Filippelli moved to receive the proposed amendment and schedule discussion for the February 12 work session. Mr. Hahn seconded the motion. The vote on the motion passed unanimously.

**Zoning Amendment: Pedestrian Oriented Frontages.** Mr. Kurtz noted that Council should receive an amendment to the pedestrian oriented frontages section of the zoning ordinance (in the General Commercial district regulations) as it applies to street frontages in the downtown. Current regulations mandate pedestrian-oriented uses within buildings on lots with frontage along the south side of the 100 blocks of East and West College Avenue, both sides of the 100 blocks of East and West Beaver Avenue, and both sides of the 100 block of South Allen Street.

Mr. Slaybaugh explained this ordinance was developed by the Planning Commission as part of their discussion on the subdistricts and the uses proposed on certain streets. He presented a map of the area and explained the area would be extended from Burrowes to Garner Street and would include the north side of Calder Way. He noted that alleys had not been included in the ordinance previously. The Planning Commission proposed the north side be regulated by this ordinance and the south side of Calder Alley would fall under the Commercial Incentive District. The ordinance also changes the name from pedestrian oriented frontages to pedestrian oriented uses, which better reflects what is being regulated.

Mr. Kern moved to receive the proposed amendment and schedule discussion for a future work session. Mr. Hahn seconded the motion, which passed with a 7-0-0 vote.

**Zoning Amendment: Rezoning of Downtown Planning Areas 2 and 3.** Mr. Kurtz noted that, for the past several years, the Planning Commission's work program has included the preparation of strategies for implementing the recommendations in the Downtown Vision and Strategic Plan. Each year the Commission focuses its attention on one or more of the 11 planning areas identified in the Downtown Plan. In 2006, the Commission focused on planning areas 2, 3, and 4 with special attention given to planning areas 2 and 3. The Planning Commission has prepared a report to Council outlining issues and recommendations for planning areas 2 and 3 under the headings density, use, infrastructure and design. The Commission has identified alternative approaches that could be deployed under each heading to help shape future redevelopment in this part of downtown. The Planning Commission is seeking dialogue with Council to determine which of the alternative approaches should be expanded into a set of regulations that would be enacted by Council.

Mr. Hahn moved to receive the report and schedule a presentation and discussion by staff for the February 12 work session. Mr. Kern seconded the motion, which passed unanimously.

#### OFFICIAL REPORTS AND CORRESPONDENCE

**Mayor's Report.** Mr. Welch reported the College Avenue photo mural, which was on display at the old municipal building, had been rehung in the hallway outside of Council Chambers. The mural was completed by a journalism class in November and December of 1972 and depicts the streetscape of the south side of College Avenue. He noted that only one building had been demolished since the photos were taken.

**President's Report.** Ms. Dauler announced an executive session held prior to the meeting to discuss personnel matters.

**Staff/Committee Reports.** Mr. Henry presented the fourth quarter enforcement report which included enforcement activities for 2006. Mr. Daubert asked why the ordinance warnings were so much higher in the fourth quarter of 2006 than 2005. Mr. Henry noted that there was an additional officer on staff in 2006. Also, staff has been working on getting refuse problems corrected without issuing citations.

Mr. Henry also reported on the status of smoke-free workplace legislation. Senate Bill 246 would control smoking in public places in Pennsylvania. He noted that it was encouraging that the Pennsylvania Restaurant Association has indicted their support for this legislation. Ms. Goreham asked if this would control smoking in restaurants and bars. Mr. Henry replied that it would and would include exceptions for private homes and businesses that handle tobacco products.

There being no further business, the meeting adjourned at 9:15 p.m.

Respectfully submitted,

---

Cynthia S. Hanscom  
Assistant Borough Secretary