

Meeting Minutes
State College Borough Council
February 20, 2007

The State College Borough Council met in a regular meeting on Tuesday, February 20, 2007, 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
Elizabeth A. Goreham
Donald M. Hahn
Jeffrey R. Kern
Absent Ronald L. Filippelli
Craig R. Humphrey

Also present: Terry Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Manager; Carl R. Hess, Planning Director; Herman L. Slaybaugh, Zoning Officer/Planner; Michael S. Groff, Finance Director; Timothy Grattan, Director of Information Technology; Thomas R. King, Chief of Police; Mark S. Henry, Health Officer; 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. There were no members of the public wishing to speak during the public hour.

Consent Items. Mr. Kern moved and Ms. Dauler seconded a motion to approve vouchers for the month of January in the amount of \$2,734,421.73, and approve the minutes of January 2, January 8, and January 16, 2007. The motion passed with a 5-0-0 vote.

GENERAL POLICY AND ADMINISTRATION

Arts Festival Ordinance. Mr. Fountaine said that on February 2, 2007, Council received a proposed ordinance amendment to establish retail permits and retail food permits along with corresponding fees for the Festival of the Arts and First Night. This will allow the Borough to recover some of the costs for Borough services that are required during these Festivals.

He explained the amendment would establish vendor fees for sidewalk sale vendors and food vendors during the Central Pennsylvania Festival of the Arts and First Night at \$25 per booth for the sidewalk sale and \$125 for each food vendor. In addition to the food vendor fee, a temporary food license will be required for food vendors that are not currently licensed in the Borough of State College. The temporary food license is proposed at \$75 per day or \$125 for a five day license. Children's day sidewalk sale vendors will not be charged a vendor fee. The ordinance also corrects inconsistencies in the temporary retail and foot peddlers ordinance.

Mr. Kern moved to enact Ordinance 1867 to establish retail vendor permits and corresponding fees for the Arts Festival and First Night. Ms. Dauler seconded the motion. The motion passed with a 5-0-0 vote.

BIDS/CONTRACTS/AGREEMENTS

Civitium Agreement for Municipal Wireless Project. Mr. Fountaine noted that Council is asked to approve an agreement with Civitium to provide consultant services to assist the Borough in the development of a Request for Information (RFI) to deploy a community wireless broadband network to promote digital inclusion, stimulate economic development and improve the efficiency of government service delivery. He noted the 2007 budget (line item 407-110) provides \$38,000 for this project. The Civitium agreement is for \$30,800. In addition to the Civitium contract, legal assistance and some miscellaneous work will be needed to complete the project. Estimated cost of the additional work is \$7,200, bringing the total cost of the project to \$38,000.

Ms. Goreham asked if the scope would include the identification of areas where there would be free Internet access. Mr. Grattan said that would be included in the Request for Information.

Mr. Daubert asked why there would be a need for legal assistance. Mr. Grattan explained that the agreements for the transmitters would be on public right-of-ways and legal assistance was needed to establish agreements with the providers.

Mr. Kern moved to approve the agreement and authorize the President of Council to sign the Letter of Engagement with Civitium on behalf of Council. Ms. Dauler seconded the motion. The motion passed with a 5-0-0 vote.

PUBLIC WORKS

Municipal Tree Plan. Mr. Fontaine said at the February 12, 2007 work session, Council reviewed the Municipal Tree Plan as presented by the Tree Commission and Borough Arborist. At this time, Council is asked to approve the plan.

Ms. Dauler moved and Ms. Goreham seconded a motion to approve the Municipal Tree Plan. The motion passed unanimously.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Ms. Dauler announced an executive session held prior to the February 12, 2007, work session to discuss litigation and personnel matters.

There being no further business, the regular meeting adjourned to a work session at 7:37 p.m.

Parking Wayfinding Project. Mr. Fontaine said the the Parking Wayfinding Project was in the Capital Improvement Plan as a 2006 project. Work on the project began in 2006 when Trans Associates was selected as the consultant. Staff worked with Trans Associates to develop a number of possible means of communicating parking space availability to the public. Upon receiving comments from Borough Council and final approval from the Pennsylvania Department of Transportation (PADOT), it is anticipated the project will be released for bids by mid-March with the construction/installation in the summer of 2007.

Ron Seybert, Trans Associates presented drawings depicting the design of the signs as well as maps showing the location of the signs. He noted that two marquee signs will identify the number of spaces available in each of the garages which would be provided from the computer system monitoring each garage. Additional directional signs will be placed throughout the downtown and in the surrounding area, directing the public to the garages. Mr. Seybert presented other locations of where directional signs would be located, including the Park Avenue and University Drive intersection, North and South Atherton Street, Fox Hollow Road and Park Avenue.

Ms. Goreham asked if cooperation would be needed from other municipalities for the placement of the signs not located within the Borough's boundary. Mr. Seybert noted that all the signs would be in the state right-of-way and would need to be approved by PADOT. He noted that he would want to review the location of the signs with the abutting municipalities as a courtesy.

Mr. Daubert cautioned the placement of signs in front of residential homes. Mr. Seybert noted they would attempt to locate the signs in the public right-of-way but between two properties. Mr. Daubert also cautioned that the signs not block the sight distance for vehicles pulling out of private driveways. Mr. Daubert also cautioned on having too many signs. As an example, he noted that the sign on the exit ramp from University Drive would not be reasonable because people could be heading to Bellefonte.

Mr. Seybert indicated that they hoped to submit the plans to PADOT in March for final approval and begin work in the summer.

Zoning Ordinance Amendment: Rezoning of Downtown Planning Areas 2 and 3. Mr. Fontaine indicated the Planning Commission is continuing to develop specific implementation strategies for each downtown planning area based on the recommendations of the downtown plan. In 2006 the Commission focused on Planning Areas 2 & 3, which are located between Locust Lane and Hetzel Street. The Planning Commission prepared a report that outlined its preferred approach for guiding redevelopment in these two planning areas.

Mr. Hess explained that the Planning Commission began by looking at areas 2 and 3 of the downtown focusing on four issues. Those four issues were density, use, infrastructure and design. He explained the zoning of areas 2 and 3 was generally General Commercial and Commercial Incentive District. He also presented an aerial photograph, noting the uses of the properties, particularly the lack of structured parking. He reported the Planning Commission recommends extending the Commercial Incentive District and signature development. Commission members hoped to establish a dialogue with Council to address which alternatives should be advanced.

Council discussed the extension of the Commercial Incentive District to Garner Street and expressed concern with the permitted height, protection for churches and older buildings, and shared parking. Some Council members discussed the size of a building permitted for a signature building and the consolidation of lots to meet the 30,000 square foot requirement. Mr. Hess noted that there were only five properties that currently meet the 30,000 square foot requirement, with a sixth being the Herlocher proposal recently presented to Council at the February 12 work session. It was suggested that staff provide renderings of possible building sizes with the setbacks to visualize the impact. Mr. Hess said he hoped to be able to provide a topographic example so that Council could see the impact of a taller building on College Avenue.

Mr. Fountaine noted that these suggestions would be referred to the Planning Commission so that a more definite proposal can be presented to Council in June.

Zoning Ordinance Amendment: Pedestrian Oriented Uses. Mr. Fountaine noted that Council received this ordinance amendment to the pedestrian oriented frontages at the meeting on February 5. A public hearing has been advertised for March 5 with enactment of the ordinance scheduled for March 19.

Mr. Hess explained the requirement for pedestrian oriented frontages has been in place since 1991 as a result of an attempt to guide uses on the first floor to insure downtown street life. He presented a map of the existing area (which included the 100 blocks of East and West College and South Allen Street). The proposal is to extend the area to the north side of Calder Alley and the length of College Avenue from Burrowes Street to Garner Street. He noted that certain areas were excluded from the requirement because pedestrian oriented use is provided as an incentive under the Commercial Incentive District.

Council discussed the fact that this would be an incentive to provide pedestrian oriented uses under the Commercial Incentive District regulations but not a requirement. Teresa Sparacino, Executive Director of Downtown State College Improvement District (DSCID), commented that she would like to see the pedestrian oriented uses listed as a requirement rather than an incentive. She noted that many of the areas in the Commercial Incentive District currently have established pedestrian oriented uses and she would not want to see that lost.

Council discussed limiting automated teller machines and concessions for nonconforming properties, particularly in Calder Alley. Some Council members expressed concerns with regulating pedestrian oriented uses in Calder Alley, which is a delivery zone for many businesses located on College Avenue. It was noted that some blocks of Calder Alley do not have sidewalks.

Council agreed to hold the public hearing on March 5 and decide if changes are needed following the hearing. It was suggested that Ms. Sparacino contact the DSCID board members to determine if there was agreement with applying this ordinance to the north side of Calder Alley.

ANY OTHER MATTER

Mr. Fountaine noted that there was a request made to distribute a special notice to property owners in relation to the mixed use overlay zoning amendments. He cautioned that this would be treating this zoning amendment differently than others in that property owners were being individually notified. He was reluctant to set up this kind of a precedent.

Ms. Goreham noted that this ordinance impacts residents that are not normally aware of zoning considerations. Mr. Welch said that appropriate notice is provided on the Borough's website and through the bulletin board on C-NET.

Council members discussed the importance of getting the public engaged with this review process without setting a precedent for the future. There was a consensus of Council members that it was not necessary to send a copy of the proposed ordinance to affected property owners but rather sending a postcard notifying residents of the public hearing would be adequate.

There being no further business, the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary