

**Meeting Minutes
State College Borough Council
Work Session
April 9, 2007**

The State College Borough Council met in a work session on Monday, April 9, 2007, in the State College Municipal Building's Room 304 South Allen Street, State College, PA. Ms. Dauler 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 Borough Manager; Carl R. Hess, Planning Director; Amy R. Miller, Recording Secretary; Thomas R. King, Police Chief; Mark Henry, Health Director; Mark Whitfield, Public Work Director, members of the media; and other interested observers.

Public hour. There were no comments from the public.

Open Agenda. Mr. Fountaine distributed a blue sheet listing additional topics for Council's next meeting. The list included the agreement with College Township to provide Health Department services. In addition, he said the Personnel and Administrative Code Ordinance amendments were moved to the May 7 meeting. Mr. Fountaine asked Council if they had additional agenda items to include on future agendas.

Mr. Filippelli suggested Council and staff provide recommendations to help solve the pedestrian safety concerns on the 100 and 200 blocks of North Atherton Street. Ms. Dauler added that when discussing pedestrian safety the former attempts to solve the problem should also be reviewed.

Mr. Daubert said the West End Revitalization Plan should not be discussed in the next regular meeting, but rather in a work session. Mr. Fountaine said the schedule was tentative.

Mr. Daubert asked if new efforts have been put-forth on neighborhood association meetings. Mr. Fountaine said when staff is informed of the meetings, staff is asked to attend them. He said additionally working on improvements in working with neighborhoods is included in the 2007 budget.

Ms. Goreham said she heard of a proposed building in the downtown using vinyl siding. She suggested the Planning Commission discuss building materials used on downtown buildings.

Mr. Daubert asked if Council will meet with our local state representatives to build relationships. Mr. Fountaine said yes, the meeting would be the first meeting of its kind. He added the meeting would be built around the university liaison meeting and would include representatives from Council and Borough staff in attendance.

Mr. Daubert said that Council should be the final arbitrator of ordinances and said if decisions are given to staff members, Council should discuss whether individuals can approach Council to appeal. Mr. Fountaine said there are numerous tasks that Council has given to staff as part an enabling ordinance. As an example, he said, the planning director has the authority to approve land development plans. Mr. Fountaine asked if all occasions required review. Mr. Daubert said no, but when one person makes a decision for a board of seven, mistakes can be made. Mr. Fountaine said each issue should be determined separately. Ms. Dauler said these items could be considered, especially if Council has particular ordinances they determine should be considered. Mr. Kern said Council is a legislative body and should not act as arbitrators. Ms. Dauler said if questions arise on to how to proceed, the enabling ordinance could then be discussed.

Projects Report. Mr. Fountaine said a list of projects currently in progress and anticipated was attached to the agenda. He added that every month a report will be presented to Council at the second Monday evening work session.

Mr. Kern said hiring a parking consultant was budgeted in the 2006 Budget and asked when the parking study would be done. Mr. Fountaine said a consultant may not be recommended at this time. He added the parking manager was hired to manage the business side of parking; a parking report will be presented in late April.

Report from the Centre County Solid Waste Authority. Ted Onufrak, Executive Director of the Centre County Solid Waste Authority (CCSWA) reported that business for the authority was increasing. He said the expansion project has been completed and improvements made have

resulted in both monetary and energy efficiency savings. He added that recycling numbers for 2006 have been at their highest and rates have been stable.

Joanne Shafer, Recycling Coordinator for the CCSWA, said there is a special electronic collections upcoming on May 12 and 13 as well as a household hazardous waste collection on August 17 and 18. In addition there will be a permanent electronic collection location where residents can bring their items all year round.

Ms. Shafer then presented the 2006 Waste Watcher Award to the Borough. This award from the Pennsylvania Waste Industry Association was received for the seventh year in a row. She noted the Borough has been foremost with their brush collection and yard waste facility and encouraging other Centre Region municipalities to get involved.

Mr. Daubert asked what types of hazardous waste will be collected. Ms. Shafer said residents can call (814) 238-7005 to find out or visit the CCSWA website at www.centrecountyrecycles.com. She said car batteries are not part of the hazardous waste collection; the batteries are accepted for recycling anywhere car batteries are sold.

Mr. Kern said he is pleased to know that electronics recycling will be done year round but asked why hazardous materials would not be taken year round. Ms. Shafer answered that the facility is not capable at this time, and their permit does not meet the classification to allow for full time collection. Mr. Onufrak said in order for the facility to take hazardous waste on an on-going basis, a full time chemist would need to be hired and a non-explosive building would have to be constructed. Ms. Shafer concluded suggesting residents buy only enough household products for the intended purpose to eliminate leftovers and reminded residents to recycle the containers.

Ms. Goreham thanked Mr. Onufrak and Ms. Shafer for their efforts as well as Mark Whitfield, Public Works Director, for going above and beyond the call of duty in recycling.

Report from C-Net Board. Michael Hecht, the Borough's representative on the C-Net Board, said highlights of C-Net developments for 2006 included the reinstatement of listing C-Net programming on the TV guide channel on Comcast, which was a huge concern of residents. He added that public relations activities have been key to making contacts with citizen groups. In addition the Board has been developing a policy for re-use or rebroadcast of C-Net copyrighted material. Mr. Hecht said that C-Net is also awaiting the Comcast franchise renewal negotiations.

Cynthia Hahn, Executive Director of C-NET spoke on new programming. She said 2006's general focus was to increase the amount of programming particularly on the educational channel, Comcast 98. Ms. Hahn noted that in 2006 C-Net offered 690 new programs which was an increase of 99 programs from 2005. She added that all programs are approved by the C-Net Board.

Ms. Hahn then showed Council short clips of some of the new 2006 programming which were either available free or at a very low cost. She noted that C-Net produced many programs themselves.

Mr. Filippelli asked if there was a way to measure viewership. Ms. Hahn said a viewer survey was done in 2003. She added that a graduate student is currently working on a survey to contact 200 residents; results of the survey will be available at July's C-Net Board meeting.

Mr. Daubert asked if C-Net has been contacting non-participating municipalities to show them what is offered. Ms. Hahn said C-Net's Board is actively working on the other municipalities specifically Ferguson and Halfmoon Townships. She added that Ferguson contributed a sizeable contribution of financial support for the first time in 2007 but does not wish to have their meetings broadcast.

Mayor Welch applauded the lectures offered on C-Net.

Mr. Kern asked how C-Net chooses what lectures are covered. Ms. Hahn said when Penn State is involved, they choose and arrange for coverage because the funding may come from a particular grant. She added that it costs C-Net under \$300 to cover a program.

Local Ordinance to Prohibit Smoking in Public Places and Worksites. Mr. Fontaine said at Council's meeting on March 19 Council passed a resolution supporting proposed state legislation on the prohibition of smoking in public places and worksites. He said a summary sheet and a proposed Borough ordinance along with additional information on the dangers of second-hand smoke and the smoking bans imposed in other parts of the United States were distributed with the agenda. Mr. Fontaine asked Council for their comments on the ordinance to determine whether to continue the process to enact the ordinance.

Mr. Daubert suggested rewriting the ordinance because certain key issues should be excluded such as private residences, rooming houses or private clubs that have no employees. He also suggested posting the ordinance conspicuously in every establishment.

Mr. Kern questioned if instating the ordinance was appropriate at this time because of the court issues in other cities. He said if the other court cases were favorable, then he would support the local ordinance. Mr. Filippelli said that individuals can choose whether to patronize an establishment that

is smoke free, but employees are the primary victims and do not have the option. He urged Council to move forward with the ordinance.

Mr. Hahn said he is concerned as to whether Borough businesses would have a disadvantage compared to the townships businesses. He noted, on the other hand, the Borough could have an advantage over the townships. He said the ordinance should still be given a great deal of consideration.

Jared Beltokski, 322 S. Burrowes Street, said he represents a small group of Penn State students that formed an online forum for a clean air act. He said the group asks Borough Council to act on the ordinance before the State acts because State College should be proactive.

Brandon Tarbert, representing Penn State's Students for Tobacco Awareness, also asked Council to pass the ordinance. In reference to Mr. Kern's comment, Mr. Tarbert said that when the three most populated cities of Pennsylvania and an additional community is considering passing a smoking ban, Council should consider the ordinance a great lobbying tool. In reference to Mr. Filippelli's comment, Mr. Tarbert explained that students' work availability is limited and they must seek employment where the most money can be earned which unfortunately is in smoky restaurants and bars and clean air is most important for employees. He added that the website <http://www.sa.psu.edu/SARA/> can provide additional information on their efforts, and if anyone wishes to get involved they can visit www.smokefree.psu.edu to find way to help.

Bob Minard, 717 W. Foster Avenue, said Council should keep in mind that health effects are very costly and the chances of legal action on a smoking bann is very minimal.

Mr. Kern said he felt his concern about the ordinance has been misinterpreted. He stated there are currently other state court cases and it does not make sense to add an additional court case so that there are multiple cases in the Court system. He said he is not opposed to the ordinance, but suggests waiting for the outcomes in the other suits. Mayor Welch added that it would be interesting to know from the Borough Solicitor what would happen if we were to file a brief in support of the other municipalities' cases. Mr. Fontaine added that to his knowledge there are two current cases in Allegheny County and Erie. He said the ordinance in Erie was found invalid and the Allegheny County ordinance was found to be legitimate but was issued a temporary injunction and is now at the state level.

Ms. Dauler said she is in favor of protecting people in their workplaces and suggests Council move ahead with the ordinance. Ms. Goreham agreed and said the ordinance is a leadership issue and suggested Council speak to COG for a possible county-wide ban. Mr. Fontaine said the Borough's ability to enact the ordinance is based on the Home Rule Charter and municipalities that operate under township codes are not able to act on the same legal authority.

Council agreed that the proposed ordinance would be discussed at an additional work session in May and then would be prepared for Council's adoption.

West End/Urban Village Revitalization Plan. Mr. Fontaine explained that Council previously received a summary presentation and copies of the draft final plan for West End Revitalization Plan (WERP). He said individuals from the Steering Committee and consulting team also in attendance today were Steering Committee Chair Rich Kalin; Keith Weaver, Associate Principal with EDSA, Inc.; and Karen Dickinson and Troy Truax from Delta Development.

Mr. Fontaine said staff hopes that Council will adopt a final WERP soon. He said today's work session is intended for Council to review the draft WERP and begin with a discussion of "big ideas". He added when all needed changes have been made, Council should consider action to adopt the final West End Revitalization Plan.

Mr. Kern asked if the consultants and members of the steering committee would be available at later work sessions for questions. Mr. Fontaine said if they are needed, the budget may allow for their presence at an additional work session; however, additional funds may be required and Council should make maximum use of their time during tonight's discussion.

Mr. Filippelli complimented the consultants on a well done report. He said that Council should follow the recommendations and also do what they can to have an impact on the project, such as the proposed park and the use of the Borough parking lot to show that the Borough is committed to this project. He added that the cooperation of Penn State is critical in success of the project.

Ms. Goreham said she is interested in knowing where to begin with the project and asked how to fund some of the initiatives such as a housing authority.

Mr. Daubert also said the report is done well. He asked why the reference to the redevelopment of the area was changed to revitalization. Mayor Welch stated that where the name change referred to the Redevelopment Authority (RDA) it was done in error and should and will be called an RDA. Mr. Daubert then questioned the problem with financing and said there is a lack of prioritization. He said a list of priorities needs to be compiled because the phases are too large and the Borough cannot finance the project as such. He added there was no mention of the loss of the taxable profit-making

business properties that will be lost with the new plan. He said additional funding will need to come from the private sector.

Mayor Welch said he applauded the density of information in the report and found the willingness of the VFW to do something with their properties most interesting. He said the challenge will be prioritization.

Ms. Dauler said she was impressed with the report. She found bicycle and pedestrian issues and where redevelopment could occur was properly addressed in the report. Mr. Dauler said she hopes the plan will move ahead quickly.

Mr. Humphrey said it was his hope that the consultants would be involved in prioritizing the projects. He added that the report will be very useful for the Borough for many years.

Mr. Kern said Council should find a way to get the plan moving as soon as possible because the focus is first-rate. He added that he agrees there is a need to prioritize and suggested obtaining help prioritizing from the Planning Commission. He thanked the committee and consultants for a job well done. He said he hopes to get private property owners to be in agreement with the plan.

Mr. Hahn noted that he is proud of the Borough's Planning staff and is very pleased with the aesthetics of the points of entry into the Borough. However, he said, Penn State's downfall is Hammond Building and the Borough's downfall is the Urban Village. He said the consultants and committee have done tremendous work in developing the plan and hopes it comes to implementation quickly. He added that selling the plan to property owners in the district is crucial. Mr. Hahn said almost none of the plan can be implemented under the current zoning ordinances. He recommended developing an updated zoning ordinance that is consistent with the plan as soon as possible to keep up the momentum.

Ms. Goreham said a west campus drive is essential to the community and asked if Penn State has agreed to construct the drive. Ms. Dickenson answered that Penn State has not yet committed yet to build a west campus drive, but Penn State is prepared to work with the Borough to make it happen.

Mr. Kern said that Mr. Hahn's comment about the zoning ordinance revision is probably on all of Council's minds. He said there is now a plan and now the zoning ordinance needs to be revised to make the plan work. Mr. Kern asked which phase of the project will provide recommended changes to the zoning ordinance and how do we put the zoning issues into review before the Planning Commission. Mr. Truax responded that the key issue is to build a consensus around the plan at the next work session and then accept the plan. After acceptance of the plan by Council, the next step is to work on the zoning issues. Mr. Fountaine agreed and said after approval of the plan, codification of the zoning revisions is the next step.

Mr. Truax recommended returning the Department of Community and Economic Development (DCED) funding applications as soon as possible to get in line for funding for this work because timing is crucial.

Mr. Hess added that the planning grant already received from DCED was not intended for the implementation phase. He said now that the plan is completed, DCED is expecting to receive follow up applications from the Borough.

Mr. Kalin said he would ask other members of the Steering Committee to attend the next work session if Council has additional questions about the process.

Mr. Fountaine suggested Council email, fax or call staff with questions. Staff can then prepare a response that can be included in next week's agenda for all Council members to see. He said the Plan would be included on the next work session agenda which would follow Monday evening's regular Council meeting.

Mr. Hahn noted that putting the vision of the plan into the zoning ordinance was only part of this work. The other part, he noted, was to make sure the zoning ordinance is written carefully to minimize unintended consequences.

There being no further business, the meeting adjourned to an executive session to discuss real estate at 9:38 pm.

Respectfully submitted by:

Cynthia S. Hanscom
Assistant Borough Secretary