

Meeting Minutes
State College Borough Council
April 16, 2007

The State College Borough Council met in a regular meeting on Monday, April 16, 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
 Ronald L. Filippelli
 Elizabeth A. Goreham
 Donald M. Hahn
 Craig R. Humphrey
 Jeffrey R. Kern

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; Amy J. Story, Borough Engineer; Mark A. Whitfield, Director of Public Works; 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 - Hearing of Citizens

Mr. Welch expressed his sorrow and sympathy to all in Blacksburg, Virginia, who have been touched on the Virginia Tech campus by the recent shootings. He said it could have happened anywhere and our thoughts are with the dead and wounded in that community.

There were no other public comments.

CONSENT ITEMS

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

- Vouchers for the month of March 2007 in the amount of \$1,859,402.92.
- A request from the Centre Region Bike Coalition to close South Allen Street between College Avenue and Calder Alley for the Bike to Work Day activities on Friday, May 18, 2007, (with a rain date of May 25, 2007) from 6:00 a.m. to 2:30 p.m.
- The use of Locust Lane from College Avenue to Wilson Alley (conditioned that Calder Alley remain open) for the Farmers Market every Friday from June 1, 2007, through November 16, 2007, (except for July 13) from 10:30 a.m. to 6:00 p.m.
- Use of South Allen Street from Beaver to Foster Avenue on Saturday, June 30, 2007, from 6:00 a.m. to 6:00 p.m. for the Annual Street Bazaar.
- Confirm the appointment of Thomas Daubert as the voting delegate for the 108th PLCM Annual Convention and Catherine Dauler as the alternate; Mr. Daubert will also serve on the Resolutions Committee.

BIDS/CONTRACTS/AGREEMENTS

Authorize the President of Council to sign an Agreement with College Township to Expand Health Department Services. Mr. Fountaine explained the State College Health Department provides basic health services to Ferguson and Patton Townships and provides dog law/ordinance enforcement services to College Township. Late in 2006, College Township staff contacted the Borough requesting basic health services for the Township. Borough staff, after reviewing the workload, believes that we are able to accommodate the Township's request. This will not only provide Township residents with a local health contact but will benefit all area residents particularly in regards to food safety in Township eating establishments.

Mr. Fountaine said the ordinance and accompanying agreement specifies basic health services to the Township and is based on the documents that authorized police services to the same Township. The terms of the agreement specifies that the Borough will be reimbursed for the costs of services so there should be no financial impact on the budget. The Health Officer has estimated the staff time demands for these expanded services to require about 90 hours per year or around 2 hours per week. The Borough is able to absorb this work without reducing services

currently provided by the Department. Borough staff has contacted the PA Department of Health and the PA Department of Agriculture regarding this proposal and both Departments are supportive of this agreement.

Mr. Humphrey moved to enact Ordinance 1871 and authorize the President of Council to sign the agreement with College Township. Mr. Kern seconded the motion. The motion passed with a 7-0-0 vote.

Land Transfer and Repurchase Agreement and Restrictive Covenants. Mr. Fontaine said the Borough and the Downtown State College Improvement District (DSC) have been cooperatively preparing a proposal for the redevelopment of the site of the former municipal building and the former Medical Arts Building. The project will generally consist of:

- A 12-story mixed used building on the “southern” half of the lot consisting of 2 floors of commercial and office and 10 floors of residential condominiums;
- A 10-screen multiplex on the “northern” half of the lot; and
- A 112 space parking garage under the multiplex

Mr. Fontaine said, to accommodate the new development, the Borough is proposing to sell the site to DSC who will then enter into a partnership with a real estate developer to complete the project. Council has prepared an agreement that spells out the terms of the sale, terms for repurchasing the property under certain conditions, identifies the types of uses that will be permitted on the site, provides an easement to the Borough for the realignment of the 100 block of South Fraser Street, and imposes certain restrictive covenants that will run with the land for a period of 50 years.

Ms. Dauler noted that because of her position as a board member on the Downtown State College Improvement District, she would refrain from discussion on this item and abstain from the vote.

Mr. Humphrey moved to approve the agreement. Mr. Kern seconded the motion.

Mr. Humphrey asked if there would be a condominium agreement with the proposal. Mr. Fontaine said any association agreements would not be a part of the agreement for sale of the property. Mr. Williams indicated a condominium document would be part of the land development process as was required for review.

Mr. Hahn noted that every government action has a cost, a cost which must be weighed against the action. By restricting student housing, there is a cost that affects the purchase of the site. He said he believed the property was worth more than the sale price. If there had been a trend for owner-occupied housing in the downtown, then this would be a wise investment. The movie theater may be nice but he did not believe there would be enough foot traffic to justify the existence, especially given the current absence of a committed movie theatre for the project. Therefore, he indicated that he would be voting against the agreement.

Council voted on the motion to approve the agreement. The vote was 5-1-1, with Mr. Hahn opposed and Ms. Dauler abstaining.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch announced that he attended the Alpha Fire Company banquet and was reminded of the tremendous effort the volunteers and the respect and honor they bestow on the older members of the company and their spouses.

Mr. Welch also announced he would be taking part in a ground breaking for the Young Scholars of Pennsylvania School to be located at the intersection of Blue Course Drive and Westerly Parkway.

Mr. Welch expressed his sorrow and sadness at the passing of Mark Bataglia, a local landscape architect, who worked closely with the Borough in many of the parks and Borough projects such as Lederer Park, Walnut Springs Park and the municipal building.

Lastly, Mr. Welch announced the presentation of a proclamation to Regis Kingera for Workers Memorial Day on Saturday, April 28, 2007, in recognition of thousands of American workers killed or injured by workplace accidents and disease each year. He urged all residents to work to improve safety and health in the American workplace.

President's Report. Ms. Dauler announced an executive session held following the April 9 work session to discuss real estate and personnel matters.

Ms. Dauler also announced Mr. Daubert was awarded the “Fraternity Advisor of the Year” by the Interfraternity Council for his many years of service. She noted that the men of his fraternity were very fortunate to have him.

Ms. Dauler announced the Borough would be holding the annual ABC dinner on Wednesday, April 18, to recognize volunteers serving on Authorities, Boards and Commissions and their contributions in the community.

Staff/Committee Reports. Mr. Fontaine noted that Council would need to discuss the West End Revitalization Plan at a future work session. Because members would be absent at different meetings, he asked Council preference in scheduling discussion at multiple meetings or scheduling a special work session where all members could be present. Council agreed to schedule discussion on April 20 at 11:00 a.m. and again at the May 4 work session.

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary