

Meeting Minutes
State College Borough Council
June 4, 2007

The State College Borough Council met in a regular meeting on Monday, June 4, 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: Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Manager; Carl R. Hess, Planning Director; Mark A. Whitfield, Director of Public Works; Thomas R. King, Chief of Police; Beth Johnston, Director of Human Resources; 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.

Mr. Fountaine introduced Beth Johnston, the new Director of Human Resources. He noted that Ms. Johnston was a graduate of Penn State University and was previously employed by Bradford County where she served as the Human Resources Director.

Public Hour - Hearing of Citizens

Presentation of Proclamations. Mr. Welch presented a proclamation to Betsy Allen, Director of Schlow Centre Region Library, which was celebrating its 50th anniversary. He noted that the library was a vital part of the community and encouraged all residents to celebrate the "Centre Region Schlow Library Day" on Thursday, June 7, 2007. Ms. Allen invited Council and the public to a celebration of the library's history where six people would be talking about different decades of the library on Thursday, June 7, 2007.

State College Borough Water Authority Project Report. Max Gill, Manager, State College Borough Water Authority, presented plans for a water line replacement project for West Beaver Avenue. The project would affect traffic on West Beaver Avenue from Buckhout Street to South Atherton Street. The project may be done in two phases with the Buckhout Street to Sparks Street section being completed this summer and then Sparks Street to South Atherton Street completed in the spring of 2008. The lines are being replaced because they are too small. A second reason for the replacement is because the pipes are cast iron, installed in the early 1900s, with a useful life of about 100 years. Because PennDOT intends to mill and overlay the roadway in 2008, the Water Authority would like to complete their work before the roadway is repaved.

Mr. Gill estimated there would be two street closures. One would be at West College Avenue and Buckhout Street for approximately 5 days to be able to place the water line across West College Avenue. In addition, Buckhout Street will be closed for an additional 2 days because the crews would be working in the inbound lane where there is a turn. He indicated a detour was proposed for South Atherton Street via Westerly Parkway and Blue Course Drive. The street would be signed in advance in the hope that people would have the opportunity to find different routes. Work would be completed in late August and September.

Mr. Daubert commented that this work would be completed at the busiest time of the year. Mr. Gill noted that he hoped to get the work completed earlier but was not able to get a response from PennDOT in a timely manner. There will be certain times where work will not be done, such as student move-in days and home football weekends.

Mr. Welch asked if there were other comments from the public. There being none, he closed the public hour.

CONSENT ITEMS

Ms. Dauler moved to appoint Beth Johnston, Director of Human Resources, as a Board member of the Centre Region Insurance Cooperative (CRIC). Mr. Hahn seconded the motion, which passed with a 7-0-0 vote.

Ms. Dauler moved to approve the minutes for April with the following corrections:

- April 2, 2007, regular meeting, Book 35, page 229, first paragraph to indicate that Ms. Dauler made the president's report.
- April 9, 2007, work session, Book 35, page 230, 10th paragraph, 4th sentence should read: "Mr. Daubert asked ..." and the 5th sentence should read: "Mr. Fountaine said ..."

- April 16, 2007, regular meeting, no changes.
- April 20, work session, Book 35, page 237, heading should indicate that the meeting was a work session.

Mr. Daubert seconded the motion. The motion was approved with a 7-0-0 vote.

PUBLIC HEARINGS

2007 CDBG/HOME Consolidated Plan Amendment. Mr. Fontaine said the Borough will receive \$731,653 CDBG and \$504,527 in HOME funding for 2007. The amount originally budgeted was \$735,478 for CDBG and \$508,302 for HOME. A consolidated plan amendment is necessary to account for this reduction and to allocate CDBG funds to the Temporary Housing Foundation to replace HOME funds that were used to provide assistance to a First Time Homebuyer family. The CDBG Citizens' Advisory Committee met on May 14 and unanimously recommended the changes. Council is asked to hold a public hearing at this meeting with action scheduled for June 18, following a mandatory public review period.

Mr. Welch asked for public comments on the Plan amendment. There were no comments received.

GENERAL POLICY AND ADMINISTRATION

Extend the Cable Franchise Agreement. Mr. Fontaine said that a resolution was prepared by staff to extend the franchise agreement with Comcast Communications for three months while negotiations to renew the agreement continue. If approved, the agreement will expire on September 30, 2007.

Mr. Daubert asked if franchise fees would continue to be collected during the extension period. Mr. Fontaine said that extending the franchise would require Comcast to continue with the collections of fees as stipulated in the contract. Currently, the cable franchise fee is 5 percent of all sales. Other conditions of the franchise will continue to apply, such as set aside space for the government and education access channels.

Mr. Filippelli asked the reason for the delay in obtaining a new franchise agreement. Mr. Fontaine briefly reviewed the bankruptcy of Adelphia Communication and then the transfer to Time Warner and then to Comcast, which has slowed down the negotiation process. He noted that he received comments last week on the master regulatory documents and believed that they would be able to conclude the negotiations within three months.

Mr. Filippelli asked if there were different issues with this franchise agreement. Mr. Fontaine explained there were a few issues, most with the education and government access space. Mr. Filippelli asked if there would be an expansion of the public access channels. Mr. Fontaine replied that had originally been discussed but did not believe that would be a part of the initial franchise agreement. Mr. Fontaine said there appeared to be agreement among the municipalities.

Ms. Dauler moved to extend the franchise agreement by approving Resolution 937. Mr. Daubert seconded the motion, which passed unanimously.

West End/Urban Revitalization Plan. Mr. Fontaine reminded Council that they had discussed the proposal and scope of work for Phase III submitted by the Delta/EDSA team at the June 1 work session. Key elements in this work plan include preparing zoning and design requirements based on the master plan for adoption by Council; developing a 10-year capital improvements program that can be integrated into the Borough's CIP; assisting with steps required by the urban redevelopment law to declare the West End, or appropriate portions thereof, a certified redevelopment area; developing brand identification for the West End; identifying and building the partnerships needed to implement the land use, transportation, and public realm recommendations identified in the West End Plan; and initiating steps to secure funding from state and federal sources.

Mr. Fountain said the overall cost of this work as outlined in the proposal is \$202,195. As discussed by Council, funds for this work may be allocated from unrestricted 2007 fund balance in the Capital Reserve Fund with the understanding that staff and the consultants will pursue state and federal funding opportunities to supplement local funds to the greatest extent possible.

Council in its discussions also observed that the *Special Notes* on pages 4 and 7 of the consultant's proposal are not part of the contract and should be deleted. These notes refer to a future task 6 which has not been approved by Council.

Mr. Kern moved and Mr. Hahn seconded a motion to authorize funding for phase III from the unrestricted 2007 fund balance in the Capital Reserve Fund and (2) authorize the Council president to execute the contract with Delta/EDSA with the following conditions:

- Removal of the *Special Notes* on pages 4 and 7, and
- Staff will pursue state and federal funding for Phase III to supplement local funds to the greatest extent possible.

Mr. Daubert moved to amend the motion that the five tasks listed in the scope of work by the consultant be considered separately. Ms. Goreham seconded the motion.

Council members discussed the amendment expressing views both in favor and opposed. Those opposed said that approving the tasks individually would slow down the process. Also, the scope of work as submitted should be viewed as a package. Those in favor of the amendment said that some tasks could be done more cost effectively. There was concern on the \$200,000 cost proposed for Phase III. Some Council members stated that some tasks, such as the zoning, could be completed more efficiently and effectively by Planning staff.

John Simbeck, 601 West College Avenue, commented that \$200,000 may appear to be a large sum of money but the Borough spends more just to trim trees. He encouraged Council to let the consultants complete this project by working with Council and staff and to take advantage of the federal and state money available that would reduce the cost. The consultants will provide a valuable resource and expertise to complete the project, he concluded.

Council voted on the motion to amend the original motion. The vote was 4-3-0, with Mr. Filippelli, Mr. Humphrey and Mr. Kern opposed. The motion passed.

It was noted that the amendment was a procedural vote and, by its approval, disposed of the original motion.

Council then discussed each task. The first was to develop zoning standards. Ms. Goreham expressed concern with the zoning approach and the Borough's involvement. Mr. Hess said the consultants would draft language for his review. Mr. Hahn believed staff would be able to devote more time to codify the vision of the plan. He noted he had a high level of confidence in the planning staff and their familiarity of the subject matter.

Mr. Daubert said that, although he believed this was a vital step in the process, he was concerned about the level of interaction between the consultants and Council. He did not believe that it would be a "cooperative venture." Mr. Kern said that the Planning Department staff has indicated the lack of staff time and expertise to devote to developing the zoning standards. Ms. Goreham suggested that Council be involved throughout the process so that their comfort level with the new zoning approach will help to smooth out the approval process.

Mr. Kern moved to approve a contract with the consultants to complete task 1 on zoning and development standards. Mr. Filippelli seconded the motion. The vote on the motion was 6-1-0, with Mr. Hahn opposed.

Council discussed the second task, which was to create a 10-year capital improvement plan. Mr. Hess said delaying this task would push the implementation into another yearly funding cycle. Mr. Daubert said the capital improvement plan was a function of Council and should not be dictated by an outside group.

Mr. Kern moved to approve a contract with the consultants to complete the second task, which was to prepare a 10-year capital improvement plan. Mr. Humphrey seconded the motion. The motion passed with a 6-1-0 vote, with Mr. Daubert opposed.

Council discussed the third task, which was to have the consultants work to certify the west end as a redevelopment area and create a tax incentive district. Ms. Dauler asked why the consultant would need to do this when the Borough has a redevelopment authority. Mr. Hess explained the redevelopment authority is only permitted to operate within certain areas. Under the state urban redevelopment law the Planning Commission is charged with certifying the redevelopment areas. The consultant would put together a plan to meet the state statutes so that the Planning Commission would be in a position to certify all or a portion of the west end. The certification would allow the redevelopment authority to work with private property owners to come up with flexible financing options. Mr. Fontaine noted that in two or three years the redevelopment authority would have some experience and may be able to work through the certification process without a consultant to guide them.

Mr. Filippelli moved, and Mr. Humphrey seconded, to approve a contract with the consultants to complete the third task, which was to certify the west end as a redevelopment area. The vote was 5-2-0, with Ms. Goreham and Mr. Daubert opposed. The motion passed.

Council discussed the fourth task, which was to foster partnerships with private property owners. Mr. Hess noted that this task tied in with the third task. Mr. Daubert stated the redevelopment authority and staff should designate the partners and not the consultants. Mr. Kern said the consultants would act as a facilitators. Mr. Filippelli added that Borough staff had stated that they were not skilled in putting development projects together with private sector parties. He said the consultants would bring this expertise to the process.

Mr. Filippelli moved to approve a contract with the consultants to complete task 4, to work on fostering partnerships for implementation. Mr. Humphrey seconded the motion. The motion passed with a 4-3-0 vote, with Ms. Goreham, Mr. Daubert and Ms. Dauler opposed.

There being no discussion on the fifth task, which was to develop west end branding, logo design and wayfinding. Mr. Kern moved to approve a contract with the consultant to complete the task.

Mr. Humphrey seconded the motion. The motion passed with a 6-1-0 vote, with Mr. Hahn opposed.

Mr. Kern moved to authorize the funding of Phase III from the unrestricted 2007 fund balance in the Capital Reserve Fund, with the understanding that staff and the consultant would pursue state and federal funding. Mr. Daubert seconded the motion, which passed with a 7-0-0 vote.

Mr. Daubert moved to authorize the President of Council to execute the contract with Delta/EDSA with the condition that the special notes sections on pages 4 and 7 be removed. Mr. Kern seconded the motion, which passed unanimously.

Mayor's Report. Mr. Welch reported delegates from the U.S. Department of Housing and Urban Development met with staff and the Council President and reported that the Borough was doing a good job with compliance in administering federal funds.

Staff/Committee Reports. Mr. Fontaine reminded Council the preliminary discussion on the 2008-2012 Capital Improvement Plan was scheduled for the June 11 work session. He suggested Council meet at 6:00 p.m. for one hour prior to the regular work session to devote to this discussion. Council members agreed.

There being no further business, the meeting adjourned at 9:05 p.m.

Respectfully submitted:

Cynthia S. Hanscom
Assistant Borough Secretary