

Meeting Minutes
State College Borough Council
July 16, 2007

The State College Borough Council met in a regular meeting on Monday, July 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
Elizabeth A. Goreham
Donald M. Hahn
Craig R. Humphrey
Jeffrey R. Kern
Absent: Thomas E. Daubert
Ronald L. Filippelli

Also present: Terry J. 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; Mark A. Whitfield, Director of Public Works; Michael S. Groff, Finance Director; Thomas R. King, Chief of Police; Tim Grattan, Director of Information Technology; Beth Johnston, Director of Human Resources; Amy J. Story, Borough Engineer; 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 Pledge of Allegiance

PUBLIC HOUR

Request from Rotelli Restaurant. Michael Hughes and Dave Krauss, owners of Rotelli Restaurant at 250 East Calder Way, were present to request that Council consider modifying the conditions attached to the liquor license transfer for their establishment. Mr. Krauss distributed information on the first year of business and noted that they are required to have 75 percent of their receipts from food sales. He noted the restaurant was operating at 82.5 percent food sales. He added that the restaurant currently had no violations.

Mr. Krauss explained the current limitation of hours was from 10:00 a.m. to 12:00 midnight. The request was to lift the midnight restriction and allow the restaurant to be open until 2:00 a.m. He said this would allow the business to be competitive with other similar restaurants. Also, Mr. Krauss said there was a restriction on vocal entertainment. He said he would like to have a single person or duo perform for restaurant patrons.

Mr. Fountaine recommended Council schedule a public hearing for action on this request. He noted that a public hearing is not a specific requirement but was consistent with the procedures for an application of a transfer.

Mr. Welch reminded Council that the concern with the original transfer was that another bar would be operating in the area.

Ms. Goreham asked if acoustic entertainment was provided. Mr. Krauss replied acoustic instrumental music is provided and it was his understanding that a liquor license for restaurant use prohibited amplified entertainment but allowed acoustic instruments and vocals if not restricted in the license.

Mr. Humphrey said he was sympathetic to the request but asked what would happen if the food sales dropped below 75 percent. Mr. Hughes replied that he would need to reconsider the operation. The percentages of food sales versus alcoholic sales would continue to be monitored and reports submitted quarterly to the State College Health Department.

Mr. Kern said he was also sympathetic to this request because of the competitive nature of the business but was not interested in another bar. He said he believed there was no way to encourage or discourage the behavior of the patrons. Mr. Krauss said it was the policy of the establishment that if an individual appeared to be intoxicated, he or she would not be served.

Mr. Hahn moved to schedule a public hearing to hear the request for August 6. Mr. Kern seconded the motion, which passed with a 5-0-0 vote.

PUBLIC HEARINGS

Pedestrian Oriented Uses. Mr. Fountaine reminded Council they had reviewed an original amendment developed by the Planning Commission at the request of one of its members to expand the area of requirements for the Pedestrian Oriented Uses. Following the public hearing on March 5, Council sent the amendment back to the Commission for revision with the provisos that Calder Way be eliminated from the area and those portions of Beaver Avenue, Pugh Street

and Fraser Street that are within the CID be added. In addition to those changes, the Commission upon re-examination believed the 30% threshold under current law for office and financial institutions (portion of a block face they may occupy) is too large and changed that number to 15%. The Commission also added the ATM provision believing that ATMs are not a problem per se, but it is undesirable to have ATMs displace existing windows on store fronts.

Mr. Welch asked for comments from the public. There being none, he closed the public hearing.

Ms. Goreham commented she was not sure it was appropriate to limit medical and professional offices. Having these uses in the downtown was important. Mr. Kern agreed that office employees are important because they are customers of the downtown. He said he did not want to go too far in discouraging office uses. Mr. Fountaine noted that this would not limit office uses except on the street level. Council discussed the limit of 15 percent per block face and the area where this would apply. Mr. Hahn said he agreed with the general intent of the ordinance and that the retail core of the downtown should be protected.

Mr. Humphrey asked why medical offices were restricted. Mr. Slaybaugh explained that the use was typically active during the day but did not provide weekend or evening activity.

Mr. Humphrey moved to schedule the notice of intent to enact for Council's August 6 regular meeting. Ms. Dauler seconded the motion. The motion passed with a 4-1-0 vote, with Mr. Kern opposed.

Consent Items. Ms. Dauler moved and Mr. Hahn seconded a motion to approve the following consent items. The motion passed with a 5-0-0 vote.

- Vouchers for the month of June 2007 in the amount of \$2,904,520.91.
- Use of sidewalks on various streets in the Borough for a 5K Benefit Walk for the House of Care and Gentiva on Sunday, September 30, 2007, from 1:00 to 4:00 p.m.
- Appointment of Carl Hess to the Board of Directors for the Centre County Housing and Land Trust.
- Award for Project 11-2007 Apple Alley Storm Upsizing to Terra Excavating, Inc., the low bidder, in the amount \$84,093.15.
- Noise Waiver for the Penn State University to conduct night work as part of the Park Avenue Utility Tunnel Project.
- Resolution authorizing the President of Council to sign a Certificate of Insurance for the Pennsylvania Department of Transportation to cover various projects in the Borough.
- Expenditure of \$70,070.11 to Ferguson Township for the Borough's portion of Project 3-2007 for Microsurfacing.

Council discussed Project 12-2007, Central Parklet Lighting and Bike Path. Ms. Goreham said she hoped the lights would be induction fluorescents. She noted that they would last longer and were environmentally efficient.

Ms. Goreham moved to award the bid for Project 12-2007 Central Parklet Lighting and Bike Path to Paradise Contracting, LLP, the low bidder, in the amount \$129,695.00. Mr. Hahn seconded the motion, which passed unanimously.

GENERAL POLICY AND ADMINISTRATION

Report on Paperless Council Project. Mr. Grattan presented an update on the Paperless Council project. He explained that in the 2007 Capital Improvement Plan there was \$6,000 budgeted to research options for technology to streamline the process of developing and distributing the agenda packages. Currently, the Capital Improvement Plan includes \$25,000 in 2008 and \$25,000 in 2009, he noted.

Mr. Grattan explained that an internal committee was established to develop options. The first option would be to create electronic versions of the agenda packages available to Council and the public, with secure access for Council and appropriate staff for confidential materials. The second option would provide personal computers for use at the Council table. He noted that this would require modification to the table. This option could be done within 6 months and would cost \$48,000 initially with \$7,500 annual maintenance fee. The third option would create an agenda/minute management system which would standardize minutes, agendas, and the content. He noted that programming would provide for enhanced search capabilities. This option could be in place within nine months and would cost \$63,000 with annual fees about \$16,000. Mr. Grattan explained the fourth option would be to include a video presentation system. This would allow for the presentation on the screen to be seen on the personal computers at the Council table. This would require the second option be completed and would cost an additional \$40,000 with an annual maintenance cost of \$12,500.

Mr. Grattan said he would like to set up demonstrations over the next few weeks so that this could be presented to Council members.

Ms. Goreham asked the cost savings in manpower and copying and delivery. Mr. Fontaine said that he would have to come up with that number. Mr. Humphrey stated he was receptive to the idea but cautioned that he had been receiving agendas via e-mail for another group and the agenda items were sent as separate attachments, which made it very difficult.

Ms. Dauler commented that she like the idea of going paperless but understood that paper agendas would always be an option for Council members. She said that this Council is past the time when this should be done. There were communities all over the country that already have systems up and running. She hoped the rest of Council would support one or all of these options.

Mr. Kern said he would encourage Council to move quickly on this. He said he has worked with other governments that have the different options already available. He believed that interactivity with the video system would help to generate a much better dialogue. He said this is a university town in a high technology community and this needs to be done.

PLANNING AND ZONING

Resolution for LUPTAP Grant. Mr. Fontaine said that staff recommends submission of an application to the Pennsylvania Department of Community and Economic Development (DCED) for funding from the Land Use Planning and Technical Assistance Program for a grant to fund Phase III of the West End (Urban Village) Revitalization Plan. Phase III is the implementation phase of the project. On June 4, 2007 Council awarded a contract to the consulting team of Delta Development Group/EDSA for services to complete the following 5 tasks:

- Task 1 – Zoning & Development Standards
- Task 2 - Capital Improvements Plan
- Task 3 - West End Urban Redevelopment Law Implementation
- Task 4 – Foster Partnerships for Implementation
- Task 5 – West End Branding, Logo Design and Wayfinding

The total project cost is \$196,833.00. When Council awarded the contract it was with the understanding that staff would pursue grants to help off-set the costs of the project. Based on staff's meeting with DCED staff, it is believed that Tasks 1 – 4 are eligible for funding through LUPTAP. If approved, the grant may provide up to a 50/50 match for the eligible tasks which is approximately \$75,320.00. The local share will be \$121,513.00.

Mr. Humphrey moved to approve Resolution 942 to apply for a LUPTAP grant from the Pennsylvania Department of Community and Economic Development. Ms. Dauler seconded the motion, which passed with at 5-0-0 vote.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch noted that the 2007 Arts Festival was a great success and thanked all those involved.

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

Staff/Committee Reports. Mr. Fontaine noted that the parking office has been working on implementing the on-line payment and parking appeals program. The system is expected to go live very soon. He explained that an on-line tax payment system is expected to be up and running before the end of the year.

Items of Information. Mr. Kern asked about the police helicopter that was in town for the Arts Festival and whether or not it was necessary since there have been no problems for several years. Mr. King noted that this is the seventh straight year of success in policing the Arts Festival. The helicopter is available should an incident occur; he noted it would provide a lighting method should the lights go in an area. He said the challenge is to figure out the right staffing levels and resources needed. He understood that the helicopter and the image it presents was a concern. Mr. King thanked all the police forces in the area as well as the assistance provide from the state police for the event. Mr. Kern also offered his thanks for a safe and peaceful Arts Festival.

There being no further business items, Council adjourned to an executive session at 8:20 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary