I. Call to Order

II. Moment of Silence and Pledge of Allegiance

III. Roll Call

IV. Public Hour - Hearing of Citizens

V. Consent Items

VI. Special Reports and Recognition of Outgoing Mayor and Council Members

VII. Adjournment

Documents:

January 6, 2019 Special Meeting Agenda Packet.pdf
Meeting Agenda
State College Borough Council
Special Meeting of the Outgoing Council
Monday, January 6, 2020
12 Noon

I. Call to Order

II. Moment of Silence and Pledge of Allegiance

III. Roll Call

Ronald L. Filippelli, Mayor
Evan Myers, Council President
Jesse L. Barlow
David J. Brown
Catherine G. Dauler
Janet P. Engeman
Theresa D. Lafer
Dan Murphy

IV. Public Hour

Anyone in the audience wishing to address Council with an item that is not on the agenda should ask to be recognized at this time. Each speaker will have up to four minutes to present comments to Council.

V. Consent Items

Recommendation: Staff recommends Council approve the following Consent Items.

A. Approve minutes for the following meetings held in August, September, October, November and December.

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VI. Special Reports and Recognition of Outgoing Mayor and Council Members

VII. Adjournment
The State College Borough Council met in a regular meeting on Monday, August 5, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Hahn called the meeting to order at 7:00 p.m.

Present: Donald M. Hahn, Mayor
Evan Myers, Council President
Jesse L. Barlow
David J. Brown
Catherine G. Dauler
Janet Engeman
Theresa D. Lafer
Dan Murphy

Also Present: Terry Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Dwight Miller, Finance Director; P. Rick Ward, Parking Manager; Douglas Shontz, Communications Specialist; Greg Garthe, Planner/Zoning Officer; Deborah A. S. Hoag, Public Works Director; Roger A. Dunlap, Assistant Borough Manager/Chief Financial Officer; John A. Gardner, Chief of Police; Amy J. Kerner, Borough Engineer; Thomas Brown, Facilities Supervisor; Sharon K. Ergler, Assistant Borough Secretary; Thomas R. King, Assistant Borough Manager for Public Safety; and Borough residents and members of the media.

Proclamation

Suicide Awareness and Prevention Month/Day – Mayor Hahn presented Marisa Vicere, Chair of the Centre County Suicide Prevention Task Force, with a proclamation declaring September as Suicide Awareness and Prevention Month and September 10, 2019 as Suicide Awareness and Prevention Day.

Ms. Vicere thanked everyone for their continued support of suicide prevention efforts and designating September as Suicide Prevention Month. She said the Centre County Suicide Prevention Task Force comprised of agencies, community members and providers who advocate for prevention and compassionate treatment strategies that lead to a future free from suicide. She said everyone must make mental health a local priority and collaborate with one another to share resources and spread knowledge. She thanked everyone for working to help end the silence around the topic of suicide and suicide prevention.

Presentation

Class CAS 100 Group Comm Presentation – Mayor Hahn introduced a group of students from the Penn State's CAS 100 group who presented their ideas about economic development and possible solutions.

Sarah Diamond, a Penn State student in the CAS 100 course, stated her class met with Mayor Hahn a month ago to discuss several issues throughout State College. They decided to work on issues related to economic development and presented the student perspective about economic development issues to Council. She said that, as an incoming freshman, her class determined that the best way to improve the economy was to enhance entertainment and infrastructure throughout the area.

Sean Warner, another CAS 100 student, spoke about infrastructure. He said when he arrived in State College, he was glad to see that there was public transportation with the Centre Area Transportation Authority (CATA) bus system. He said the class noticed that the CATA bus system was underutilized by students and people working Downtown and at Penn State. He said the class conducted a survey of 20-30 volunteers asking why people did not use the bus system and they found that people thought the
system was way too complicated and took too much time out of their day. He suggested creating a prototype for a new user interface that would seamlessly integrate with the current app. He said the class was willing to contact CATA’s app developers to make it happen. He said another issue was raised about visitors coming to State College football or basketball games. He suggested advertising the CATA bus system at Beaver Stadium and the Bryce Jordan Center to help alleviate parking issues and traffic flow. It also allowed people to park farther away and take buses to the stadium.

Ross Safin, another CAS 100 student, spoke about business opportunities. He noted that most of the businesses on College Avenue were fast food chains and clothing stores. He suggested diversifying businesses on College Avenue.

Connor Porcello, another CAS 100 student, noted that students make up most of the State College population. He said students often look for places to socialize and eat together, but that often brought along drinking. He suggested implementing more entertainment businesses, particularly on the weeknights after classes. He said introducing these attractions into the Borough would deter students from drinking. He said the bowling alley and sports center were 40 minutes away and closed early at midnight. He said students would love to go bowling if the bowling alley stayed open until 3 a.m. and if the CATA bus system went there at that time.

Jack Verrilli, a CAS 100 student, suggested doing more community events because there was a disconnect between the Borough community and the Penn State community. He said there were some Borough events that were not accessible for students. He noted that Arts Festival was one example when students and the rest of the community came together. He said it was important for community members and students to interact with each other to sustain a positive and understanding relationship between the two. He suggested that more community members should be able to access exclusive Penn State events.

Zack Carbone, a CAS 100 student, discussed the issue of parking. He said students and visitors would greatly benefit from accessible information on the Borough’s website about parking. He said accessible information about easy cards and free parking on Sundays would make things easier during busy weekends for football games, graduation weekend and other events.

Ms. Diamond thanked Council for giving them the opportunity to speak about economic development issues.

Mayor Hahn thanked the students for speaking.

Mr. Myers asked the students if they wrote a conclusion or report of their findings. Ms. Diamond said they have some notes on the outline they provided to Council and their emails to contact them. Mr. Myers said some of the ideas were new and some of the ideas were in the process. He said the recommendations for businesses were interesting. He commended the students for taking the time to think about the community they lived in. He said he appreciated their thoughtfulness.

Ms. Dauler echoed Mr. Myers comments and asked them if they had contacted the Downtown State College Improvement District (DSCID). She said she represented the Borough Council on the DSCID’s Board of Directors, and she noted that the DSCID was always looking for fresh ideas. She said the DSCID would welcome information and encouraged them to look them up. She said she would mention their comments to the Executive Director, Rob Schmidt, at the next board meeting.

Ms. Lafer said the students did an amazing job for such a short time. She said they found several real important problems. She encouraged them, if they were staying on at Penn State as incoming freshmen, to see what the DSCID was doing, checking out the ABC’s at the Borough and find out what CATA was doing. She encouraged them to take part in public administration if they were interested.

Mr. Murphy stated he knew the students were introduced to the role the community played during orientation and thanked them for taking that to heart. He echoed Ms. Lafer’s comments and encouraged
them to share their experiences with the other incoming freshman about becoming involved with the State College community.

Mayor Hahn thanked them for the presentation and hoped it would become a lifelong relationship with State College as a student and eventually as alumni. He encouraged them to follow up.

Public Hour – Hearing of Citizens

Melanie Morrison, a resident of Penns Valley, thanked Council, Mr. Fountaine, Chief Gardner, and Mayor Hahn for acknowledging community concerns and taking steps towards meaningful solutions. She said she came on behalf of her fellow 320 Coalition members to ensure that they stayed informed of the progress of the next steps following the officer-involved shooting in March. She said the advisory board for community oversight was of major importance to the 320 Coalition. She said she wanted to ensure there were protocols in place for screening and training that police officers received, but also to build trust between officers and community members. She said that without transparency then the assumption of accountability was an act of faith. She said the 320 Coalition was open to putting together an advisory board with the Borough to build and maintain a positive relationship. She asked Council if any plans would be publicized for community review and for an actual timeline regarding the creation of the advisory board. She said she hoped the community would continue to work together so that everyone was protected. She said change must begin in the community and radiate outward.

Mr. Fountaine said he would update Council with a report at the second meeting of each month. He said he reported on progress last month. He noted that body cameras were rolled out and implemented in July prior to the Arts Festival. He said Borough staff were not prepared to provide an update that evening, but staff were making progress on those items.

Hayden Yoder, a resident of 170 Honors Lane, said that State College had been his home for the last eighteen years or so. He said he enjoyed observing the vibrancy and culture of an incredibly safe community. He said he wanted to apply his talents to enrich the wellbeing of his own town and promote the healthy development of street art, provide an opportunity for community service, produce an additional spike in tourist attractions, pamper our cherished university, pave the way for residents to form meaningful relationships and paint masterpieces throughout the Borough. He noted that area at 901 West College Avenue was empty and barren. He said O.W. Houts & Son sold the property to Penn State in 2008 for $3.4 million and was left unused other than some parking spaces for a handful of people. He said that while he did not represent Penn State, he said he felt confident that they were receptive of his project. He said, of the 25,000 square-foot space, 3,600 square-feet or one-seventh of the land would be used as public rotating mural. He said this wall would serve as the only space in State College where budding artists would be able to paint without breaking any laws. He said he sincerely believed that a public wall as a legal artistic space would safely detach the value of graffiti as an art form. He said State College was a center for the arts and the space would provide a unique flavor to bolden that identity.

Mayor Hahn said it was an excellent presentation and encouraged Mr. Yoder to speak to Ferguson Township with his presentation because it was close to the line between Ferguson Township and the State College Borough.

Ms. Lafer said since the space did belong to Penn State, the Council could encourage this idea, but they were unable to enforce the idea in anyway. She suggested that Mr. Yoder speak to Penn State and Ferguson Township as well as other art groups.

Mr. Yoder noted that he did contact Penn State and they told him to speak the Borough. He said he would speak to Ferguson Township.
Mayor Hahn said that developing art Downtown was important too and said walls Downtown would benefit from artistry.

Mr. Myers stated he appreciated Mr. Yoder’s ideas and stated that when ideas were brought forward, it was important to put concrete suggestions into writing and submit them to entities impacted by those ideas like Penn State, Ferguson Township and the Borough.

Leslie Laing, a resident of Ferguson Township, asked Council to make a motion to host a second special meeting to discuss the March 20 incident regarding Osaze Osagie. She said the meeting was robust and a wonderful commitment from the State College Police Department (SCPD), the Centre County Commissioners and Council to discuss the issue further. She said she wanted the meeting to occur so that members of the public would be able to attend and hear more about addressing the assembly of the advisory board, other efforts, the internal investigation, the promised updates from the 2016 Task Force report and the recommendations from that report. She said she wanted to follow up on the Borough’s efforts exploring and expanding the funding crisis intervention team, the partnership meeting with Centre County about revising the 302 mental health warrants and any findings or after-action report following the officer-involved shooting as one was not originally filed or provided. She asked if there were recommendations for free post-traumatic stress counseling for the officers involved in the shooting was carried forth and she echoed the concerns about the body cameras like public information for reviewing footage. She said she would gladly follow up with emails on training and said she was grateful the Borough moved away from establishing the Task Force.

Mayor Hahn noted that two Council members were able to request special meetings in writing. He said Mr. Murphy and Mr. Barlow requested the special meeting last time.

Mr. Myers asked Ms. Laing to provide Council with her list of questions. He noted that Mr. Fountaine provided a report on some of the questions Ms. Laing asked at some point. Mr. Fountaine said that the standing report was scheduled for the third Monday of each month. He said August 19 was the next time he would have an update. Mr. Myers said that Mr. Fountaine was able to merge some of the answers to Ms. Laing’s questions into that report and invite audience questions to the reports.

Geoffrey Landers-Nolan, a resident of Ferguson Township, said he came to the meeting on behalf of the 320 Coalition. He said much of his remarks echoed Ms. Laing and Ms. Morrison. He thanked Council and Mr. Fountaine for answering some of his questions about the body cameras. He said he was grateful that the Borough and SCPD were willing to hear feedback about what they were able to implement in terms of safety and policing. He said that it was heartening to hear that there was currently an internal investigation. He said there were a lot of sensitive issues about interdepartmental investigations but acknowledged that it was good that the Borough continued working on the issue. He said that sharing information was an important first step in rebuilding trust and remaining transparency. He noted there was a question about the collective bargaining agreement for the SCPD at one of the Campus and Community in Unity (CCU) meeting in May and asked if that agreement was distributed publicly.

Mayor Hahn said the August 19 will be live streamed and available to view later at cnet1.org for the public.

Ms. Lafer said that the events of March 20 carried a great deal of weight on the community. She said everyone could live together in some form of harmony. She said everyone could acknowledge that many of the questions stemmed from not just the tragedy on March 20 but the larger series of tragedies and the anger that fed it. She hoped that everyone would put in the work to stop the movement toward division, anger and violence. She encouraged everyone to continue to ask question.

Mr. King said the SCPD Collective Bargaining Agreement was available on the Borough’s website.
Consent Items

Ms. Engeman motioned to approve the following Consent items. Ms. Lafer seconded the motion. The motion passed unanimously.

- Approve, with conditions, the closing of the 100 block of South Allen Street (between East College and East Beaver Avenues), on Monday, September 30, 2019, from 9 a.m. to 9 p.m., for the Penn State Homecoming Allen Street Jam.

- Approve, with condition, the closing of various Borough streets (normal PSU Homecoming Parade route), on Friday, October 4, 2019, from 5 p.m. to 9:15 p.m., for the annual Penn State Homecoming Parade.

- Approve the closing of a portion of West Hillcrest Avenue, for the West College Heights Block Party, on Sunday, September 15, 2019, from 3:30 p.m. to 9 p.m.

- Approve the closing of various Borough streets, on Thursday, October 10, 2019 from 5:30 p.m. to 9 p.m., for the State College Area School District Homecoming Parade.

- Approve the closing of Westview Avenue (between Fairway Road and Franklin Street), on Friday, September 13, 2019, from 6 p.m. to 10 p.m., for the Westview Block Party.

General Policy and Administration

General Obligation Bonds, Series of 2013

Mr. Fountaine said the Borough reviewed existing debt to determine if there was an opportunity for refinancing the debt to result in a savings. He noted that the Borough policy provided for refinancing debt when the projected savings is equal to or greater than 3 percent and based on preliminary reviews of the 2013 General Obligation Bonds, the Borough anticipated savings that would meet or exceed the threshold for refinancing. He noted that during June and early July, Chris Gibbons of Concord Public Finance, solicited bank proposals to refinance this debt. Mr. Gibbons attended Council’s July 1, 2019 work session to review the bank financing proposals for the possible refinancing of the Borough’s General Obligation Note, Series of 2013. He said that although the bank proposals did not result in the required savings, the review included a comparison to what the Borough might receive as a financing option in the current bond market. He stated Council authorized proceeding with the exploration of the bond market for this refinancing and the bond bids were received earlier that day. He said the General Obligation Note, Series of 2013 had a fixed rate of 2.34 percent through November 15, 2020, and the Note converted to variable rate thereafter with an interest rate cap of 5.25% for the remaining 14-year term. He explained that under current market conditions, the Borough could reduce its interest rate exposure by completing a refinancing, and the current policy on refinancing like that required a net present value (NPV) savings of at least 3 percent of refunded principal. He said that the auction generated 49 bids from seven different underwriting syndicates, and Janney Montgomery Scott was the lowest rate bid at 2.03 percent and produced the best reduction of interest rate exposure for the Borough. He said Concord Public Finance modeled the Janney Montgomery Scott bid on three interest rate exposure scenarios, and all three produced a net present value (NPV) savings over the 3 percent policy requirement minimum. He stated that Chris Gibbons, Concord Public Finance, would present the results of the August 5, 2019 Competitive Bond Sale later in the meeting. He said staff recommended Council adopt the borrowing ordinance and schedule Final Settlement of General Obligation Bonds, Series of 2019 for September 4, 2019. He said that a roll call vote was required.

Chris Gibbons from Concord Public Finance stated that receiving 49 bids was an incredible feat. He said the auction platform went into overtime 20 times. He said two things pushed the bond market: 1) it was the first competitive bond sale since the Federal Reserve made any movement; and 2) the discussion about trade between the U.S. and China reducing the stock market by 700 points. He explained that because of that, people looked for safe investments like the Borough’s in bonds. He said that was why
the Borough got a great rate and the fixed rate under the entire term was 2.03 percent, resulting in savings.

Ms. Dauler said it sounded like it was an exciting time. Mr. Gibbons laughed and said it was exciting because while he was watching the auction with Mr. Miller earlier, nothing happened until after 11:08 AM and then 49 bids came in. He said he was very pleased with the results.

Ms. Lafer asked what the Borough’s projected actual savings over time were. Mr. Gibbons said the reduced interest rate resulted in savings. He said the old rate was 2.3 percent and the new rate of 2.03 percent would result in $40,000 of savings.

Jens Damgaard discussed Ordinance 2131, which finalized the General Obligation Bonds, Series of 2019. He said Council now had it in the final form and the draft form until the auction earlier that day. He said it was going to be a General Obligation Bond (GOB) issue in the aggregate principal amount of $9,465,000, which was enough to retire the note, the bank loan, and pay all associated costs in issuing the bonds. He said the covenants of the Ordinance did not vary a lot other than the mechanics of how it worked compared to the bank loan. He said the GOB had fixed interest rates throughout their term. He said that on September 4, the settlement will conclude and consisted primarily of signing documents and completing a wire transfer. He said Jersey Shore State Bank would file the necessary paperwork with the State to show new terms.

Ms. Lafer motioned to adopt the borrowing ordinance and final settlement date for September 2, 2019. Mr. Barlow seconded the motion. The motion passed unanimously in a roll call vote.

State College Area School District South Track Lighting Operational Agreement

Mr. Fountaine stated that, as required by the recent amendment to the Zoning Code that allowed for a height increase in outdoor lighting, a draft agreement setting forth the operational terms was developed and reviewed by Council at their July 8, 2019 work session. He said the School Board also reviewed the Agreement. He noted that this agreement was reviewed with residents in the neighborhood adjacent to the South Track at the State College Area High School, and modifications made to the draft agreement based on those discussions, and then the draft agreement was distributed to both the School Board and Council on July 1, 2019. He said staff recommended Council approve the Operational Lighting Agreement as presented.

Ms. Dauler motioned to approve the Operational Lighting Agreement. Ms. Lafer seconded the motion.

Amy English, a resident of 705 Edgewood Circle, thanked Council and SCASD leadership for allowing input from residents. She said she was cautiously optimistic about the agreement for this year but felt concerned about the issue for future years with evening usage by community groups. She said she appreciated the Borough’s commitment to protect the neighborhoods. She said parking was previously raised as an issue and she said that some Council members suggested restricting parking in the Greentree neighborhood during athletic events. She asked what the plan was with football season around the corner to handle foot traffic.

Mr. Fountaine said the Borough had not made much progress on the area of parking and traffic because Borough was trying to get the agreement in place first. He said the Borough would now move to working on parking before the first football game. Ms. English asked if Council could hold off on voting before parking was addressed. Mr. Fountaine stated that it was up to Council and the agreement was related to the lighting issue, so parking will need to be dealt with as a separate action.

Ms. Lafer said she met with the neighborhood group and the SCASD School Board. She said because the neighbors were satisfied with the adjustments to the agreements, she would take her “no” vote back. She said Council will follow up on the issue of parking and she asked people to bring any other issues back to Council regarding parking.
The motion passed unanimously.

Parking Garage Maintenance Change Order

Mr. Fountaine explained that Project #3-2019 was awarded by Council on June 3, 2019. He said work began on July 15, 2019, once work began, it was discovered that there was a considerable amount of more weld plates that were compromised and needed addressing at the McAllister Parking Deck. He noted that additionally, there were areas of delamination of the concrete decking and some surface cracking discovered that needed to be repaired which was not part of the original contract. He said the total cost of the change order was $18,733 or nearly 39.5% of the original contract, and since this amount was greater than the 15% allowed, Council approval was required. He said staff recommended that Council approve Change Order #1 for Project 3-2019 in the amount of $18,733.

Mr. Murphy motioned to approve Change Order #1 for Project 3-2019. Mr. Barlow seconded the motion. The motion passed unanimously.

Planning and Zoning

Minor Lot Line Adjustment for 415 Nimitz Avenue and 1282 Smithfield Street

Mr. Fountaine explained that the properties at 415 Nimitz Avenue and 1282 Smithfield Street contained single-family homes, but the driveway for 415 Nimitz Avenue encroached within the property for 1282 Smithfield Street. He stated that to address this, the two property owners submitted a subdivision and lot consolidation plan to subdivide 160 square feet of land from 1282 Smithfield Street and consolidate it with 415 Nimitz Avenue so that the driveway was entirely located on the lot of 415 Nimitz Avenue. He noted that there were no other modifications proposed at this time. He explained that approval of the subdivision complied with all applicable provisions of the zoning and subdivision codes were a ministerial act that required Council approval upon a finding that the subdivision was compliant. He said staff reviewed the plan and determined that the subdivision complied with all applicable zoning and subdivision regulations. He said the Planning Commission (PC) reviewed the plan during its June 5, 2019 meeting and found that the plan complied with the Borough’s zoning and subdivision regulations. He stated that staff recommends Council approve the minor subdivision.

Mr. Myers motioned to approve the minor subdivision. Ms. Dauler seconded the motion. The motion passed unanimously.

Public Works

Borough Council to Consider Use of Borough-owned Streetlight Poles for Wireless

Mr. Fountaine stated that AT&T previously executed agreements with the Borough to place wireless nodes at various locations. He said the agreement was for the node itself and did not include the fiber wire that connects to the node. He stated that for the specific location of South Atherton Street and Calder Way (southwest corner), AT&T was ready to erect the wireless node, but the Borough ordinance required a separate agreement be executed for the wire. He said that staff recommended that Council approve and authorize the Manager to execute the Use Agreement.

Mr. Barlow motioned approve the AT&T Use Agreement. Ms. Dauler and Ms. Engeman seconded the motion. The motion passed unanimously.

Official Reports and Correspondence

Mayor’s Report – First, Mayor Hahn stated that the Pennsylvania State Mayors Association was in State College for their annual conference. He said they were very complimentary of State College. He said he sent a report earlier that day to Council. Second, he said there were some criticisms made of the Borough’s elected officials for failing to defend the SCPD during the last Borough Council meeting. He
said some statements were untrue, some were unfair, and some were offensive. He said that some people called upon him to act on such statements made by certain Council members to reproach or oppose such statements. He said after careful consideration of taking such action, he said he respectfully declined doing so because he did not know where following such course of action will end after it begins. He said once he began challenging comments based on content, he said it led him down a slippery slope and constantly second guessing his actions, biases, and intent. He said he knew people will criticize his action as was their right. He said he was reminded of a statement by Evelyn Beatrice Hall, “I disapprove of what you say, but will defend your right to say it. He said he believed the duty of public servants was to receive complaints, which might be untrue or offensive, and respond with fairness, accuracy and courtesy. Third, he reminded everyone that he was running for Magisterial District Judge and there will be a good chance that he will be elected. He suggested that staff add the procedure for fulfilling the vacancy on a future meeting agenda. He said he will likely submit his resignation in early November and effective in late December. He urged staff to not hold off on the discussion of his successors wait until after his resignation. Lastly, he said Mr. Fountaine will provide an update on race and equity matters at the third Council meeting of the month, August 19.

President’s Report – Mr. Myers stated he appreciated Mayor Hahn’s remarks about his position, and he noted that Mr. Williams will need to guide Council in how to approach the upcoming change. He said that staff should put together a report for next week’s meeting answering questions about the process, Council’s obligations, and the timeline for dates. He said the mayoral appointment procedure must take place in public.

Mr. Fountaine stated he received a letter from Mr. Williams earlier that day regarding the evaluation of the effective date of Mayor Hahn’s resignation. He said he will circulate the letter to Council and reiterated that the mayoral appointment process discussions must be done in a public meeting unlike other personnel matters. He said there was no basis for any executive session review. He said this issue would fall to the next Council to fulfill that appointment because the vacancy would not exist until the end of the year.

Mayor Hahn noted he received the letter from Mr. Williams earlier that day. He said the options included varying the submission date of his resignation or the effective date of his resignation. He said it was important for the Borough to have a mayor in place by January 2 before the last meeting of the current Council.

Mr. Myers said that Council met in an Executive Session prior to this meeting to discuss personnel matters, real estate and litigation. After, he followed up with a comment about Ms. Lafer’s remarks about the impact of hate throughout the nation and how it related to everyone in the Borough. He said that those who dispose hatred and violence make it easier to commit violence and hatred. He noted that much of that hatred was rooted in racism but also homophobia, islamophobia, xenophobia, misogyny and anti-immigrant sentiments. He said that State College will be flooded with the diversity of people of all colors, religions and not, and people who love who they love no matter how they got here. He reiterated that it was the official position of the Borough to honor that diversity in both rhetoric and action.

Manager/Staff Reports – Mr. Fountaine stated there were several issues coming up that will impact the Borough with request to the Atherton Street Reconstruction Project. He said the various agreements in the works including reimbursement for relocation of existing facilities, most notably sanitary sewer, storm water, sidewalks and other real estate issues. He said Council and the Authorities Board will receive those agreements soon. He asked Ms. Kerner to speak to the statuses of the various projects.

Ms. Kerner explained that the Atherton Street Reconstruction Project update affected section 153, which went north of Curtin Road to about 200 feet south of the Westerly Parkway intersection. She said that as PennDOT continued to work on the design of the project, the Borough identified the sanitary sewer from Railroad Avenue to Fairmount Avenue that needed repair and replacement. She said the Borough was considering upsizing the sanitary sewer from 6 inches to 8 inches, which was significant than a spot repair. She noted that that aspect meant the project was the reason why the project was delayed with bidding beginning next year and construction the year after that. She reiterated that the Borough was looking for TAP funding for the streetscape on Atherton Street/Beaver Avenue to Railroad Avenue, which
she explained would work best if the Borough gave disbursement of rights and funds to PennDOT. She said she hoped to present finalized information about that at the August 19 meeting. For the second item, Ms. Kerner discussed the reimbursement portion of the sanitary sewer. She said that PennDOT offered that if the Borough included the Borough’s portion with their portion, they will pay for 75 percent of the cost and the Borough will pay the remaining 25 percent, because it was their project that they originally bid on. She said the Borough did not currently have the amount because they needed to work it out with PennDOT to approve the design and put together an agreement about it. She said both items will be on the August 19 meeting.

Adjournment

With no further business to discuss, the meeting adjourned at 8:19 p.m.

Respectfully submitted,

________________________________________
Sharon K. Ergler
Assistant Borough Secretary

Prepared by Melissa J. Krug, Administrative Assistant
This page was left intentionally blank.
The State College Borough Council met for work session on Monday, August 12, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mr. Myers called the meeting to order at 7:01 p.m.

Present: Evan Myers, Council President  
Jesse L. Barlow  
David J. Brown  
Catherine G. Dauler  
Janet P. Engeman  
Theresa D. Lafer  
Dan Murphy  

Absent: Donald M. Hahn, Mayor  

Also present: Thomas J. Fountaine, II, Borough Manager; Thomas R. King, Assistant Manager for Public Safety; P. Rick Ward, Parking Manager; Douglas Shontz, Communications Specialist; Amy J. Kerner, Borough Engineer; Jenna Wargo, Senior Planner; Roger A. Dunlap, Assistant Borough Manager/Chief Financial Officer; Edward LeClear, Planning Director; Jasmine Fields, AmeriCorps Volunteer; Deborah A.S. Hoag, Public Works Director; Tom Brown, Facilities Supervisor; Tracey Miller, Information Technology; Craig Bowser, Information Technology Manager; Genevievre Miller, Student Representative; Stacy E. Hall, Administrative Assistant; Borough residents and members of the media.

Public Hour – Hearing of Citizens

Pat Vernon, a College Township resident, said he recently attended a Centre County Council of Governments (COG) meeting where the cost of renting space for the growing Codes Department was discussed. He thought there was equal or better properties available for less money and encouraged the COG officials to look further and decrease the cost. Mr. Myers responded by saying it was not the Codes Department looking for rental space, but Parks & Recreation. Mr. Vernon asked if CATA had a system for veterans to get reduced priced bus passes equal to student residents? Mr. Vernon commented at some Borough intersections there was vegetation growing which prohibited proper line of sight when pulling up to the intersection. Mr. Myers urged Mr. Vernon to notify staff where the intersections were so they could be looked at.

National Citizens’ Survey Monthly Update

Mr. Fountaine said in December 2018, staff provided Council with an overview of the 2018 National Citizens’ Survey results from the surveying of State College Borough residents, and staff would periodically provide Council with an overview of the survey results of specific components or sections of the report. He said Mr. Tom King, Borough Assistant Manager, would review the Education and Enrichment section of the report.

Mr. King explained the 2018 National Citizens’ Survey was mailed randomly to selected Borough households on March 28, 2018, and data was collected through May 18, 2018. He said he would be discussing the Education and Enrichment results of the survey which would include learning, enrichment and workforce readiness for children, youth and adults in the Borough. Mr. King said in the Education and Enrichment category the numbers were similar to 2016 with the exception of availability of affordable childcare. He outlined the number of survey participants from each of the Borough neighborhoods.

Ms. Engeman commented most surveys were received from the Highlands Neighborhood. Mr. King said more surveys were received from Highlands, Holmes-Foster and College Heights Neighborhoods.

Mr. Brown asked if any data sources gave a mean figure of the costs of preschools and childcare in the Borough? Mr. King said those figures were not included in the survey. Mr. Brown asked if he knew of any sources for the information. Mr. King said a human service agency would possibly know. Mr. Brown thought such information would give more meaning to the statistics.
Centre County Economic Development Partnership – Evaluative Approach to Retention/Expansion Opportunities

Mr. Fountaine said the Centre County Industrial Development Corporation, which hosts the Centre County Economic Development Partnership (CCEDP), operated under a diverse economic development platform, ranging from entrepreneurial development, business retention and expansion, business recruitment efforts, and numerous small business assistance pathways. He added through the CCEDP partnership, the approach allowed for a collective evaluation that could substantiate the net positive effect of any transaction seeking additional assistance from the partnership. He reported that to date, College and Ferguson Townships had approved the CCEDP, and Patton Township had discussed it and would bring it back to a future meeting for a vote. He told Council they would be asked to act on the policy at the August 19 regular meeting.

Ms. Lafer commented she thought it would be a good first step. Mr. Barlow asked what kind of resources would the CCEDP give people. Mr. Fountaine answered in the past there had been two business expansions with existing companies through the program along with more than $100,000 to assist with start-up expenses. He added all CCEDP partners contributed.

Mr. Murphy said he believed in what the CCEDP was trying to accomplish. He was concerned there was no mention of nondiscrimination or equity commitment. He hoped that the Borough would search to help businesses committed to such business practices as they would be worthy recipients.

Mr. Brown was concerned the criteria did not mention affordable housing for employees and availability of housing. He added it was a desired component for KCF to stay in the area and it should be mentioned and measured.

Mr. Fountaine said Council’s comments would be addressed and the topic would be back on the agenda at the next meeting. He noted the topic was for business expansion and retention and the discussion was for the purpose of guided decision making.

Update on Zoning Rewrite

Mr. LeClear announced the Planning Staff was working on the first draft of the new ordinances for Zoning and Subdivision, which together totaled 607 pages. He said the department had been challenged with being down staff positions, but as of the beginning of September should be fully staffed. He said his goal was to start generating zoning texts. He noted his staff was starting to work with the Planning Commission on a Sign Ordinance. He said two major questions get asked daily which were rules for Airbnb’s and digital moving signs downtown. He said the current ordinance did not allow such signs, but he thought it was time to review it to determine if there could be a middle-ground decision.

Mr. LeClear said regarding Airbnb’s, staff was working on a licensing agreement and would be putting it together for Council to review in the next few months. He stated there would also be a budget request next year for monitoring services. He added staff needed to review tourist homes which included homes not being used for a primary residence. He pointed out it was illegal in most of the Borough’s zoning districts.

Ms. Lafer said she knew of two surrounding communities that had gone to one-day minimums on rental coverages for short-term tourist rentals. She asked Mr. LeClear if the Borough was planning to do the same? Mr. LeClear reviewed some of the guidelines being prepared to present to Council in the Fall.

COG’s Program Plan/2020-2024 Capital Improvement Plan

Mr. Fountaine reported the COG General Forum received the 2020 COG Program Plan and the 2020-2024 Capital Improvement Plan (CIP) at its July 29 meeting and had referred it to all Centre Region Municipalities. He said Council was asked to review both the Program Plan and CIP and provide comments.

Mr. Myers announced Joseph Viglione, COG’s Finance Director was present to review the Program Plan. Mr. Viglione reviewed the plan in detail. He said the biggest change in Administration was the pending retirement of the Executive Director. He announced College Township had withdrawn from local planning services. He said
Parks and Recreation would be moving into a new suite at 2040 Sandy Drive and the Codes Department would be moving into the former Parks and Recreation side of the suite with renovations. He said the Codes Administration was looking into upgrading housing inspectors to commercial fire inspectors to make inspections more efficient. He noted Parks and Recreation was in Phase II of the Millbrook Marsh Project and were looking for an additional Parks Caretaker.

After reviewing the information given to Council, Ms. Lafer commented the amount per square foot for the rental on Sandy Drive for Parks and Recreation was excessive. She said she was also against spending $250,000 to renovate the other side of the building for the Codes Administration. It was her thought money had been wasted and COG should be able to fit where it currently was.

Mr. Brown asked what the overall budget was for COG for one year? Mr. Viglione said he did not have those figures with him. Mr. Brown observed the COG usually paid for itself but was concerned over the increase of $221,000 and asked if they would pay for that. Mr. Viglione answered yes and some could come out of permitting fees. Mr. Brown again voiced his concern about the increasing operating expenses of COG and said he was against the request of Parks and Recreation to hire a full-time Parks Caretaker. Regarding requests to hire outside consultants, Mr. Brown asked if COG could return to the days where the department head came up with a plan before a consultant was hired?

Mr. Myers invited Council to attend the upcoming COG Finance Committee meeting.

Mr. Murphy said he agreed with Mr. Brown’s comments regarding consultants. He stated there were many consultants being paid when great local talent within the organization could be utilized. He added he was not in favor of the new Facilities Coordinator position.

Many of the Council Members voiced their concern regarding the amount of money the Code Administration was proposing to spend on renovations to the side of the building they would be occupying. Mr. Viglione made note of the concerns.

Mr. Vernon, a College Township resident, said he agreed the consultants were very expensive. He added he appreciated the comments made by Council to Mr. Viglione regarding the increase in the COG budget because it was a “wants budget”. Mr. Vernon thought the size of some COG departments needed reduced. He stated his concern of only one committee looking for the new COG Executive Director and he added there should be a citizens’ committee and a business committee as the new person would affect the community for many years to come.

Mr. Myers noted his experience with COG spanned at least 15 years and pointed out COG was the glue that held the Centre Region together. He said it was operated professionally and brought itself to respond to the demands of a growing area and had served to help the community grow. He added it was Council’s responsibility to assure COG was spending taxpayers’ money efficiently.

**CATA Service Update**

Mr. Fountaine reported CATA faced limited resources to meet the community’s growing needs and as part of CATA’s 10-year strategic plan, they had completed a study on routes serving areas of low population density. He said following the results of the study, CATA’s Board made several decisions concerning service to these areas scheduled to roll out over the next 2 years and these changes had an impact on local match shares as CATA prepared for new transportation paradigms. He introduced Louwana Oliva and said she would provide an update on CATA service and schedules. He reminded Council the update was for information only, and no action was required.

Ms. Oliva reported all buses utilized a GPS and made it more efficient to compute mileage as prior to that, some of the mileages were off on some of the routes.

Mr. Barlow asked if CATA was looking at going toward electric buses? Ms. Oliva answered electric transit was being looked at, but the technology was not quite there yet. She assured Council that CATA was looking at
what would work best for the area. Ms. Dauler expressed the new ideas with CATA-GO and Microtransit were very exciting and should prove to be beneficial. Ms. Engeman asked how many vans would be used in the CATA-GO Pilot? Ms. Oliva answered there would be four vans to start, but they could add more if needed. Mr. Myers inquired what the target average wait time would be with the pilot. Ms. Oliva answered hopefully 15 minutes or less.

Mr. Vernon commented there should be a way to get service to Veterans, so their fares were at the level of payment the students were getting.

**Adjournment**

There being no further business to discuss, Mr. Myers adjourned the work session at 8:37 p.m.

Respectfully submitted,

_____________________________
Sharon K. Ergler
Assistant Borough Secretary

Prepared By: Stacy E. Hall, Administrative Assistant
Meeting Minutes
State College Borough Council
Regular Meeting
Monday, August 19, 2019

The State College Borough Council met in a regular meeting on Monday, August 19, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Hahn called the meeting to order at 7 p.m.

Present: Donald M. Hahn, Mayor
Evan Myers, Council President
Jesse L. Barlow
David J. Brown
Catherine G. Dauler
Janet Engeman
Theresa D. Lafer
Dan Murphy

Also Present: Terry Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Edward LeClear, Planning Director; Dwight Miller, Finance Director; P. Rick Ward, Parking Manager; Douglas Shontz, Communications Specialist; John Wilson, Zoning Officer; Deborah A. S. Hoag, Public Works Director; John A. Gardner, Chief of Police; Matthew Wilson, Assistant Police Chief; Amy J. Kemer, Borough Engineer; Thomas Brown, Facilities Supervisor; Thomas R. King, Assistant Borough Manager for Public Safety; Jenna Wargo, Planner; Alan Sam, Borough Arborist; Craig Bowser, Chief Technology Officer; Genevievre Miller, Student Representative; Stacy E. Hall, Administrative Assistant; Borough residents and members of the media.

Special Business

Resolution Condemning Racist and Xenophobic Political Rhetoric, Gun Violence and Demanding Reasonable Firearm Regulations

Mr. Fountaine said Councilman Jesse Barlow would be introducing a resolution for Council’s consideration condemning racist and xenophobic political rhetoric, gun violence and demands for reasonable firearm regulations.

Ms. Dauler called a point of order stating she had concerns about the proposed resolution being read aloud and suggested procedures used in the past be discussed when it came to resolutions. She noted in the past general consent was given prior to a meeting before a resolution was read aloud and a meaningful discussion was had before voting. She pointed out the resolution was already written, and a vote was expected after it was read. She said although she sympathizes with the resolution, she thought it was important for Council to have more of an opportunity to discuss the parameters of the resolution. She added she was disturbed by resolutions after an event at a State or National level. Mayor Hahn ruled Ms. Dauler out of order. Ms. Dauler made a motion to postpone the presentation of the resolution until the next work session so it could be discussed further. Ms. Engeman seconded the motion.

Mr. Myers said it was important to realize the process for anything was to achieve a goal and there were times when events occur which required immediate action or comment. He added the proposed resolution hit close to home and in less than a week the Borough would be filled with many folks from various places including immigrants and they should feel welcomed. He said considering the shooting that occurred four months ago, the contents of the resolution were important, and he thanked Mr. Barlow for putting them together. Mr. Myers reminded Council there was not a committee structure like Congress and each member had made proposals in the past that had been voted on at the same meeting. He said he would vote against the motion.

Mr. Barlow said he would had liked to give the proposed resolution more time for review; however, he thought the events over the past few weeks combined with the President’s statements and a shooting in State College with incidents becoming so commonly rooted in white nationalism and encouraged by some of our leaders,
made it urgent for him to write the resolution as soon as possible. He said the proposed resolution should be read and voted on now and he would vote against the motion to postpone it.

Ms. Lafer said she would not be voting in support of the resolution because it was not clearly stated and ineffective. She added the topic was important but did not agree with how it was being dealt with.

Mr. Brown said he was sympathetic to the resolution but was troubled by its presentation and wording. He said he was in favor of postponing it until a work session.

Mr. Murphy stated he would not be supporting a motion to put off a motion today. He said in the time this was being discussed, three more Americans had been assaulted by gun violence.

Mr. Barlow noted he was entitled to read the proposed resolution and then proceeded to read it in its entirety.

Stacy Garbrick, a resident of Madisonburg, said she thought it was a good week to talk about gun control considering the students were coming back next week. She said in 2018 there were 24 school shootings; therefore, gun control was an important topic and should be discussed.

Peter Morris, a borough resident, said terrible things were happening on a daily basis in the country with people being killed and children being taken away from their parents. He said the question was what could Council do about this? He added Mr. Barlow had written an excellent resolution which called for immediate action about immediate things. He hoped Council would approve the proposed resolution unanimously and would be disappointed if he was wrong.

Leslie Laing, a Ferguson Township resident, thanked Council for having the discussion and encouraged them to speak kindly to one another. She thought it was important to pass the proposed resolution and to make sure there was follow through. She added the proposed resolution was a great first step.

Mayor Hahn asked for a vote to defer voting on the proposed resolution to the September 9 meeting. Council voted 4 – 3 in favor of delaying the vote until then.

**Items of Information from Council Members**

Mr. Murphy said there were approximately 600 international undergraduate students moving into the Borough and he was thrilled they decided to come to the United States to receive their education.

Ms. Lafer suggested the Parking Department work with the State College Downtown Improvement District to provide low-income residents with a special downtown parking pass. She asked for it to be a future discussion as parking in the Borough was discussed.

**Public Hour – Hearing of Citizens**

Ms. Laing asked Mr. Fountaine if the questions she asked him via an e-mail would be addressed at the meeting. She presented a written list of the questions to Council.

**Consent Items**

Ms. Dauler motioned to approve the following Consent Items. Ms. Lafer seconded the motion. The motion passed unanimously.

- Accept the resignation of Rebecca Misangyi, with regret, from the CDBG Citizens’ Advisory Committee, effective immediately.

- Approve Payroll and Accounts Payable vouchers for the month of July 2019 totaling $3,744,250.43.

- Accept the resignation of Zachary Barone, with regret, from the Real Estate Advisory Committee, effective immediately.
• Approve minutes from the meetings held in March and April:

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<tr>
<td>March 18, 2019</td>
<td>Regular Meeting</td>
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<td>April 1, 2019</td>
<td>Regular Meeting</td>
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<td>April 8, 2019</td>
<td>Work Session</td>
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<td>April 15, 2019</td>
<td>Regular Meeting</td>
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<td>April 29, 2019</td>
<td>Public Hearing</td>
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• Approve the closing of various Borough streets and the Allen Street Parking Lot on Tuesday, September 10, 2019, from noon to 10 p.m., for the 2019 Living In One Neighborhood (LION) Bash.

• Approve the use of various Borough streets and sidewalks (standard PSU 5K route) on Sunday, October 13, 2019, from 11:30 a.m. to 1 p.m., for the annual Penn State THON 5K Run/Walk.

• Designate Catherine Dauler as the Voting Delegate and Theresa Lafer as the Alternate Delegate for the Pennsylvania Municipal League’s Annual Summit.

• Award a Yard Waste Grinding Services contract to Woodbed Corporation, the low bidder, at an amount not to exceed $81,260.

**General Policy and Administration**

**2020 Budget – Financial Policies and Council Priorities**

Mr. Fountaine said on July 29 Council met in a work session to review financial reports, trends and policies as a precursor to the 2020 Operating Budget. He reported staff presented two recommendations for modifications to the 2020 budget and financial policies. He said the first staff proposal was to modify the Financial Reserves Policy to reflect the Government Finance Officers Association (GFOA) recommendation on reserves and follow the best practice guidance. The second staff proposal was to modify the Debt Management Policy to change the basis for determining the borrowing capacity of the Borough from a percentage of General Fund revenue to a full market value threshold.

Mr. Fountaine explained the recommendation presented by staff was to modify the borrowing base benchmark from the current threshold of 10% of General Fund revenue to 5.5% of full market value of real estate in State College. He said the recommendation was based on advice from the Borough’s financial advisor/consultant, and, if approved, the modification had no material impact on the budget but would position the Borough to improve its credit rating going forward.

Mr. Fountaine said Council was asked to review the update and approve the policy recommendations and priorities as these policy revisions and budget priorities would provide guidance to staff in preparing the 2020 Operating Budget proposal that would be presented to Council in October. He added staff recommended Council approve the staff recommendation to modify the Fund Balance Reserve and Debt Policies and approve the budget priorities.

Dwight Miller, Finance Director, reviewed the policy recommendations and policy revisions in detail. He compared the current policy to the recommended policy. Mr. Brown asked if there was any downside to the recommended policy and Mr. Miller answered no. Mr. Lafer commented it looked like a positive approach.

Ms. Lafer made a motion to approve the staff recommendation to modify the Fund Balance Reserve and Debt Policies. Ms. Dauler seconded the motion and all of Council voted in favor.

Mr. Myers made a motion to approve the budget priorities as listed. Mr. Barlow seconded the motion and all of Council voted in favor.
Centre County Economic Development Partnership (CCEDP) – Evaluative Approach to Retention/Expansion Opportunities

Mr. Fountaine said The Centre County Industrial Development Corporation, which hosted the Centre County Economic Development Partnership (CCEDP), operated under a diverse economic development platform, ranging from entrepreneurial development, business retention and expansion, business recruitment efforts, and numerous small business assistance pathways. He added a significant part of its economic development activities were concerned with keeping and growing the businesses already located in State College and in concert with that effort, had developed evaluative criteria which could be used to assess the viability of projects. He explained through the CCEDP partnership, the attached approach allowed for a collective evaluation, useful to all partners, that can substantiate the net positive effect of any transaction seeking additional assistance from the partnership. He reminded Council they reviewed and discussed the policy at the August 12 work session and provided several comments related to the criteria and other economic development initiatives and incentives. He said staff was recommending Council approve the policy and forward the additional comments to the CCEDP for further review. He told Council the Borough would still be able to make decisions on a case-by-case basis.

Ms. Dauler made a motion to approve the policy and forward the additional comments to the CCEDP for further review. Ms. Lafer seconded the motion and Council voted unanimously in favor.

Resolution to Approve a Supplemental Appropriation to Fund the Borough Equity, Inclusion and Diversity Initiatives

Mr. Fountaine reported the Borough had been working on race, equity and inclusion initiatives over the past few months and several of the initiatives would require additional funds. He said a resolution had been prepared to approve a supplemental appropriation for the purposes over the next 18-24 months, and, if approved, funds would be applied to three specific initiatives including $50,000 to support a task force on mental health crisis services, $100,000 to contract with the National League of Cities for their proposed scope of services at the sustained level for a Racial Equity Plan and $50,000 to contract with a selected law enforcement consultant to review specific police policies and procedures. He said staff recommended Council adopt the resolution to approve the supplemental appropriation.

Ms. Lafer made a motion to adopt the resolution to approve the supplemental appropriation. Ms. Engeman and Ms. Dauler seconded the motion.

Mr. Myers said the resolution only scratched the surface of where the Borough needed to go and he supported it enthusiastically but would be remiss if the public was not notified where the funds were going. Mr. Fountaine said the money would come from the Unreserved Fund balance. Mr. Brown said he was concerned about one aspect of the language of racial equity that consistently focused on African Americans. He said the Borough had a responsibility to be concerned with Asians and Hispanics as well. He added the language needed to be inclusive of African Americans, but not exclusive to them. Ms. Dauler read the definition of racial equity and said there would be three levels of training which many members of the community would have a chance to benefit from through the National League of Cities. She said she was pleased and hoped Council would continue to support the organization and the work they had done. Mr. Murphy commented part of the charge would be about how police responded to mental health calls and asked what role the consultant had in addressing the Police Department? Mr. Fountaine said State College Police Department policies and procedures were accredited and had adopted policies and training recognized as standard at a high level. He added the purpose of the consultant was to evaluate the policies and address any issues where improvement could be made on what was currently being done and would come at it from a law enforcement background.

Melanie Morrison, a resident of Millheim, said she saw nothing on the schedule for policing separate from a Mental Health Task Force. She stated police needed to be held accountable beyond police cameras. She thought the blame had been pushed to mental health issues and away from police behavior. She voiced her interest in being one of community members who wanted to be a part of the action group. She said it had been five months since Osaze’s death and there had been no changes yet. She then invited Council to attend a gathering with donations being collected for a friend with mental health issues.

All of Council voted in favor to adopt the resolution to approve the supplemental appropriation.
Offical Reports and Correspondence

Mayor's Report - Mayor Hahn noted August 11 was the Festival of Sacrifice Honoring Abraham Lincoln.

President's Report – Mr. Myers reported Council met in an Executive Session prior to the meeting to discuss personnel and legal matters.

Regional Liaisons Reports

Executive Committee - Mr. Myers said the Executive Committee would meet on August 20 to set the agenda for the next General Forum.

Finance Committee – Mr. Myers reported the Finance Committee spent time discussing the Capital Improvement Plan (CIP). He all municipalities had submitted comments regarding the CIP and the Committee was working on a comment matrix to address all of the questions. He added the plan moving forward was for all Finance Committee meetings to be televised on CNET.

Human Resources – Mr. Brown said the Committee met recently and focused on upgrading and approving job descriptions for new positions. He said they reviewed a budget request from the Employee Relations Committee.

Parks Capital Committee – Ms. Engeman said the Committee did not meet.

Public Safety Committee – Ms. Dauler said the Committee reviewed a request for proposal for the COG Fire Protection Study.

Centre Area Cable Consortium – Ms. Dauler said they continued to work on negotiations with Comcast.

Public Services Committee – Mr. Barlow said the Public Services Committee did not meet.

Transportation and Land Use/MPO – Ms. Lafer said the Transportation and Land Use Committee had a presentation about changes in bus lines and changes in access from Bellefonte. She said the sustainability of agriculture in the Centre Region was discussed. She added a bus tour was planned for October or November including onsite visits and topics around the Northland Area in Ferguson Township. She said they would review a student housing study and redevelopment and project case study. She reported Borough staff and elected officials were invited to join the bus tour.

Ad-Hoc Facilities Committee – Mr. Murphy said the Ad-Hoc Facilities Committee did not meet.

Regional Fire Safety Program Steering Committee – Mr. Murphy said the Committee finalized the draft of the Regional Fire Safety Plan and forwarded it to the Public Safety Committee.

COG Executive Director Search Committee – Mr. Fountaine said the Committee met several times in the past month. He said the Regional Fire Safety Plan was released with responses due September 16. He said he would provide updates in the future.

Manager/Staff Reports

Mr. Fountaine provided the monthly report on Equity, Diversity and Inclusion. He said several issues were presented and information was still being collected. He announced a Mental Health Task Force was appointed jointly by County and Borough Officials and read the details regarding the Task Force. He said the first meeting would be held by mid-September. Mr. Barlow said he viewed the County Commissioners meeting regarding mental health in June and thanked them for hosting the event. He said the stories he heard were heartbreaking and the Task Force had a difficult road ahead.

Ms. Laing said she was proud things were getting done but disappointed the additional questions she submitted were not posted. Mr. Fountaine assured Ms. Laing her questions would be answered and posted on the website.

Mr. Fountaine reported the internal review of Osaze’s death had been completed and would be posted online on the Borough’s website. Chief Gardner read the report in its entirety. Mr. Fountaine said Chief Gardner and Tom King would be available at 3 p.m. on August 20 to meet with members of the community regarding the report. Mr. Fountaine noted he concurred with the report and announced the police officer was cleared for duty but remained on administrative leave until he received medical clearance. He said he realized there were still concerns, but staff would remain committed to working together to enhance responses to mental health calls.
Adjournment

There being no additional business to discuss, the meeting adjourned at 9:22 p.m.

Respectfully submitted,

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Sharon K. Ergler
Assistant Borough Secretary

Prepared by: Stacy E. Hall, Administrative Assistant
The State College Borough Council met in a regular meeting on Monday, September 9, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Hahn called the meeting to order at 7 p.m.

Present:  
Donald M. Hahn, Mayor  
Evan Myers, Council President  
Jesse L. Barlow  
David J. Brown  
Catherine G. Dauler  
Janet Engeman  
Theresa D. Lafer  
Dan Murphy  

Also Present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Edward LeClear, Planning Director; Greg Garthe, Senior Planner; Jenna Wargo, Senior Planner; Dwight Miller, Finance Director; Matthew Wilson, Assistant Police Chief; Thomas R. King, Assistant Borough Manager for Public Safety; Craig Bowser, Chief Technology Officer; Genevievre Miller, UPUA Student Representative; Sharon K. Ergler, Assistant Borough Secretary; Borough residents and members of the media.

Proclamations/Special Business

The parents of Osaze Osagie, Iyun and Sylvester Osagie, addressed Council. Mrs. Osagie thanked members of the public for coming to the meeting and stated she appreciated their continued support. She thanked Council for giving herself and Mr. Osagie an opportunity to speak. She said much has happened since the events of March 20. She thanked Council for setting up a mental health task force and stated she appreciated that the Borough set aside appropriations to support the work of the mental health task force, the hiring of consultants to work on policies, and issues identified by the Community surrounding mental health crisis management. She thanked staff for sending a signed card to commiserate with them with their tragic loss of life. She said many people in the Community reached out to them in different ways like contributing to the Osaze Osagie Memorial Scholarship at Penn State in support of quality of life for all students with disabilities who face mental health challenges while attending the university. As well as those people who spoke out to seek the truth behind the tragic incident and creatively pursue activities to bring about healing. She said that, yes, as a Family, they were traumatized by the loss of their son, but the Community was also traumatized, and solutions were not just for their Family but for the whole Community. With the release of the District Attorney (D.A.)’s report and the internal investigation, she said the two reports were in tandem with each other, but based on the findings, she said she found it hard to believe the conclusions made in the reports. She said some claims remained unclear and unanswered for her. First, she said that based on the prior knowledge of her son that was shared with the officers, should not have resulted in the tragic outcome. She said the process clearly failed. Secondly, she said, one of the reports stated that police officers were familiar with the layout of the apartment from a prior incident not involving their son. She said if the police officers were familiar with the apartment’s layout then it was poor judgement on their part to execute the 302 warrant in the way they did given the tight spaces in which they worked. Third, she said she found the process for investigating implicit bias unsatisfactory. She asked what the police officers did. She said that question was never answered, and she received no answer from the D.A. about the process. She urged the police to implement more creative tactics that lessen the use of lethal force. She said she and Mr. Osagie supported the police in the past in many ways and valued the lives of police officers by respecting the difficult work that they do. She hoped that police officers would also value the lives that they were hired to protect. She said that if it was a son of one of
the police officers, she did not believe they would have pulled the trigger and claimed to fear for their lives. She emphasized that they were never against the police, but actions must be boldly addressed, reexamined and accounted for. She said that police should work together with the community to build trust and remain transparent – an aspect that was glaringly missing from the investigations. She said it was in everyone’s interest to put a high premium on saving lives because the price paid by the victim, the victim’s families and even the police officers’ families were too high. She said mental health processes in place failed their son and police procedures also failed their son. She said she looked forward to the changes the Borough was making to ensure that the police protect everyone.

Sylvester Osagie thanked Mayor Hahn, Council members, the former Chief of Police, Mr. King, the Penn State Community, and the rest of the State College Community for reaching out to them following the tragic incident of March 20. Mr. Osagie commended the efforts made by Council to address the shortcomings in law enforcement, particularly regarding disabled people living with a mental illness in the community. He said the circumstances in which his son died hugely impacted him and his Family way beyond just the loss of his son. He said it had threatened to destroy his entire Family and his biggest challenge was how to heal. He said that for a child you love to go through life with a severe disability and for that child to die in the way that his son died was a parent’s worst nightmare. He said he believed that things could have been done differently and his son would still be alive today. When his son was in distress, he called a friend and told him what was going on. His friend asked if he had contacted the police and he told his friend that he had not contacted them judging from similar encounters across the country that resulted in tragic incidents. He said he read both reports and noticed several things, noting that it was too painful to read everything that was published about the immediate circumstances in the wake of these reports. He said, for the record, it was the word of the officers involved against those of a dead man, and he had many questions regarding the report. He asked why he was not notified when his son was found, when he was the one who reported him missing. He said he drove around searching for him and the police called him to see if he had found his son. He stated he was at the mall when he got the second call from the police and he then circled back to his apartment. He said there were so many police vehicles outside his son’s apartment, and maybe if he had come 20 minutes earlier, his son probably would had been alive. He said, if his son was not cooperating with the police, it was not unreasonable to call in a familiar face to talk to him and encourage him to cooperate before taking him to the hospital. He said that seeking help when in distress was not an act of criminality. He said, at a minimum, he should had been notified when his son was found in his apartment. He said he understood some of the rationalizations to justify certain acts, bottom line was that mistakes were made in the handling of the March 20 events. He said that he had nothing against the police with the track record to prove it. He stated that, as a man of faith, his whole life was about caring for others including men and women in uniform. He thanked the people who rallied around this cause and came up with ideas that the Borough should seriously consider. He said that hopefully his son would be the last person to die under such circumstances.

Mayor Hahn said that the Osagie Family suffered a great loss and experienced a great tragedy. He mentioned that the Manager’s Report would have some updates about race and equity issues.

Hispanic Heritage Month - Mayor Hahn presented a proclamation declaring September as Hispanic Month to Bianca Gutierrez, a Penn State Law student from the Latinx Law Student Association at Penn State Law, and Isa Ferrara, another Penn State Law student at Penn State Law’s Center for Immigrants’ Rights Clinic.

Ms. Ferrara thanked Mayor Hahn and the Borough for recognizing the importance of the Hispanic Community in State College. She said the proclamation sent a message that everyone mattered even in complicated times. She said she arrived in State College from Honduras in 2016, she was really scared, but luckily, she was warmly welcomed by the Community. She said she felt honored to accept the proclamation on behalf of the Center for Immigrants’ Rights Clinic.

Ms. Gutierrez stated she was a second-year law student and the Outreach and Scholarship Coordinator for the Latinx Law Student Association. She thanked Mayor Hahn for issuing the proclamation for Hispanic Heritage Month. She said that growing up as the daughter of Cuban American parents in Miami,
Florida, she said that there were shared themes between all Hispanic and Latino people like sacrifice and commitment to the country. She told a story about her grandfather, the youngest of twelve children, who served in the military in Havana, Cuba. She said he opened a chicken shop after his service and that the communists took away his freedom. She said that State College welcomed her identity and her background, while diversity was one thing, it was the inclusion part that was another. She said people from all walks of life come to State College to raise their voices and tell their stories.

**Welcoming Week, Welcoming America** – Mayor Hahn issued a proclamation, which was accepted by the Penn State Law Center for Immigrants’ Rights Clinic. Tracey Wong, a law student at the Center for Immigrants’ Rights Clinic, accepted the proclamation.

Ms. Wong stated she was a third-year law student and it was her first year working with the Center for Immigrants’ Rights Clinic. She said the Clinic engaged in hands-on training in immigration law in addition to pro bono work, policy work and community outreach. She said the Clinic was a regular at LION Bash and Constitution Day as well as other events. She thanked Mayor Hahn for the proclamation, his leadership, and commitment to diversity and inclusion. She said the Clinic was thankful for its relationship with the Borough and Welcoming Week is an annual series of events bringing together immigrants to building common ground and education. She said that September 17 was the kickoff event on the steps of Old Main.

**Resolution Condemning Racist and Xenophobic Political Rhetoric, Gun Violence and Demanding Reasonable Firearm Regulations**

Mr. Barlow explained that the Resolution was about Government responses to mass shootings and gun violence following the shooting deaths of 22 people in El Paso, Texas on August 3, 2019. He said Mayor Hahn and his Council colleagues provided some suggestions. He said there were lines in the Resolution that were provided by Mr. Brown and Mr. Murphy. He noted that there were some lines about President Trump that were deleted. He said change surrounding gun violence must come from the Commonwealth and the Federal Government. He said he attended the vigil for the shooting on January 24 in State College and College Township. He said he spoke to the employees at P.J. Harrigan’s that were present during the shooting and sensed their hurt and pain. He said that people bear the burdensome problems of gun violence in communities. He said that he and other Council members talked to Legislators in Congress about infrastructure, wireless communication, and taxes, but he said their inaction aside from thoughts and prayers were not serving the community. He said that in order to make State College, the Commonwealth and the Country safer, Legislators needed to act. Then he read the Resolution into the record.

Mr. Barlow motioned to approve the Resolution. Mr. Myers seconded the motion.

Mr. Myers noted that some people asked why this issue was any business of the local Council and he said some people were tired of hearing about it repeatedly. He said it was the business of Council, and he wished Council did not need to talk about it again. He said while Council continued to debate the nuance and style of wording, the shooting and hatred continued, and State College must do something. He acknowledged that thoughts and prayers were comforting, but they were not enough. He quoted President John F. Kennedy, “We must know here on Earth God’s work must truly be our own.” He said licenses were needed to practice law, fly an airplane and drive a car, so should the community ask for anything less for someone to use a gun. He said the internet did not exist when the Constitution was written, but neither were assault rifles, with its only purpose to kill as many people as possible as fast as possible. He said the Declaration of Independence guaranteed everyone life, liberty and pursuit of happiness yet the forces of hate, racism, xenophobia, homophobia, misogyny, antisemitism, islamophobia and white supremacy would deny those blessings, so everyone must call that out as unamerican. He said there was little that a local municipality could do, but the Commonwealth had stripped local municipalities the ability to act on their own behalf because they were afraid of their opinions or were representing special interests. He said the Resolution added legal backing and local rights to protect State College residents.
Ms. Dauler motioned to amend the Resolution and introduce an alternative. She said it was important to make certain points clearer to have a greater message for everyone in the Community. She read the amendment to the Resolution asking for reasonable firearm regulations.

Ms. Lafer seconded Ms. Dauler’s motion to amend the Resolution.

Ms. Lafer explained why she seconded Ms. Dauler’s resolution. She said that the Talmud was not a legal code but an important moral code, which is the basis of the study of the Old Testament and Jewish Law. She said it was a statement that could repair a small piece of the world. She said that when it came to larger issues such as mentioned by Mr. Barlow, then it was Council’s job to work on them, as Mr. Myers mentioned. She said that there needed to be clarity to say the State Government in Harrisburg and the Federal Government what the Community wanted, needed and expected from them. She acknowledged that the nice thing about Ms. Dauler’s resolution was that it did exactly that, in that order.

Mr. Murphy agreed with the need to have clarity but said he would not support the amendment.

Mr. Barlow pointed out that the current version of his proposed resolution did not mention the President. He added that minority groups have been the target of many mass shooting incidents, and that there is a need for clarity on these points.

Mr. Myers agreed with Mr. Barlow that there was a need for clarity, as well as a need to look reality straight in the eye. In his view, leaving out the reasons for the mass shootings was to deny their reality, so it was vitally important that as leaders of the Community should express their opinions about the way life should be. Mr. Myers pointed out that all recent shootings have been targeting different minority groups, and that needed to be recognized and faced, which will not be accomplished if the different groups affected are not individually recognized.

Ms. Engeman suggested that a good middle ground approach to avoid missing a specific minority group and instead of listing individual shooting incidents is to list the biases in the incidents instead (e.g. islamophobia, homophobia, etc.)

Ms. Lafer stated that she doesn’t disagree with either Mr. Barlow or Mr. Myers, and states that the issue of biases has already been addressed by resolution 1176. She then goes onto say that what should be under discussion is not why shootings occur, but that they occur. What this new resolution should be about was demanding reasonable firearm regulations, and that’s what should be discussed for the sake of both clarity and effectiveness. Action was what was needed including something written to both state representatives and congress, and to say out loud they are sick of supporting the National Rifle Associate (NRA) and undermining themselves. Passing effective gun control laws will reduce suicides, domestic violence, and mass shootings. She agrees with the gentlemen in theory that shootings are bias based, however, in practice, the council needs to have simple, straightforward clarity, and that the gentlemen should consider voting for Cathy Dauler’s resolution despite their need to be more verbose and redundant.

Ms. Dauler said she was grateful for the inclusion of large capacity magazines in the original resolution. The council needs to be direct and specific about what they are requesting. Long resolutions can lose the readers interest, which is why Ms. Dauler considered it important to distill what Mr. Barlow was trying to do. Also, Mr. Barlow’s resolution was redundant since the issues were already addressed in a 2016 resolution. In her view, the new resolution makes what was intended to be clearer, and therefore will have more impact.

Mr. Brown said that the issue of bias has been covered in previous resolutions. The problem is that the new amendment has a tighter focus on gun control and will be more effective due to that focus. The tighter focus might also embolden other cities such as Lancaster to follow suit, which will in turn bring greater pressure on Harrisburg. Simplification and laser tight focus on a specific aim increases the chance of success of banning weapons. Mr. Brown supported Ms. Dauler’s amendment in large part due to it being simple and straightforward.
Mr. Barlow claims that a specific recommendation was made at the end of the resolution that addresses white supremacist violence. A statement had to be made by the council against ideologies that encourage violence, which is why he liked the resolution as it is. The repetition in the resolution was intentional and meant to emphasize a point. He said the same groups that don’t want gun regulation are the same groups that don’t want white supremacist groups investigated.

Geoff Landers Nolan (no address provided) said that the 2016 resolution was missing the inclusion of white supremacy, which should be included since that was in his view what was driving the current wave of shootings. The second issue he brought up was his assertion that domestic violence crimes committed by men are not crimes of impulse/passion, rather domestic violence was strategic and calculated, and intended to put the victims under complete control of the perpetrator. He made the claim that the common denominator between domestic violence and mass violence was control and urged Council to consider that common denominator.

The motion passed 4 to 3 with Ms. Engeman, Ms. Dauler, Ms. Lafer and Mr. Brown voting in favor of the resolution.

Mr. Murphy made a motion to amend Ms. Dauler’s resolution by including all five therefore clauses that were previously included in Mr. Barlow’s resolution. Mr. Myers seconded the amendment.

Elaine Meder-Wilgus, a Patton Township resident, said she was proud Borough Council had taken this under their purview and putting this in the public record because a resolution holds a space and a moment in time. White supremacy and hatred of minority groups were factors of our time. The council condemning these actions of hatred was incredibly powerful. She said she heard the gun rhetoric and believed we must work to unwind it. She said no one should allow these methods of hatred to be given a platform. She said the inclusion of the five therefore clauses mattered and should be included for that reason.

The motion to approve the amended resolution passed unanimously.

Mayor Hahn changed the order of the agenda and moved up the Public Hour ahead of Special Presentation. There were no objections from Council members.

**Public Hour – Hearing of Citizens**

Ted Reutzel, 702 Edgewood Circle, reminded Council that they had previously approved the 70’ lights on the State College High School’s South Track and signed a one-year Operations Agreement with the school district. He said there have been some activities occurring on the south track that affected the residents of 51 single-family homes and people living in 17 adjacent apartment buildings, which includes many young families with small children. Mr. Reutzel said there was a lot of discussion about how the 70’ lights would not shine into his yard but would shine down onto the south track. He presented a PowerPoint presentation which clearly showed the lights shining into his yard, and into his home up until 11 p.m. after the State High football games. He also demonstrated that the lights were so bright that they cast a strong shadow on the exterior of his home. He pointed out that young children need to sleep anywhere from 8 to 12 hours per night, depending on their age. He said the lights were to be turned off by 9 p.m. and showed video of how even at 8:30 the lights and noise were disruptive. There have been several occurrences where the lights have remained on well after the that time. He said the high school band practices extend to 9 p.m. and it is very loud even with his windows closed. He said there have been Saturday morning events, which have been unacceptably loud while sitting outside on his back porch. He said at previous meetings several organizations had requested to use the school district’s fields and he hoped that the school district did not violate the agreement by allowing outside groups to use the track. He reminded Council members that they were elected to stand up and protect Borough residents. He said although the Operations Agreement will not be on the table until April of 2020, he wanted Council members to know how the lights were negatively affecting Borough residents thus far and demonstrated their unacceptability.
Evan Higgins, no address provided, spoke about the recently passed resolution and how it related to gun control. He said the State College Police Officers carry guns, one of which was used to kill someone. He commented that if Council was so concerned about the issue, Council could control the purchase of guns by the Police Department by controlling the size of their budget. He added that he was happy to see there were no police present at the meeting and hoped that could always be the case.

Special Presentation

National Citizens’ Survey Monthly Update

Mr. Fountaine said in December 2018, staff provided Council with an overview of the 2018 National Citizens’ Survey results from the survey of State College Borough residents in 2018. This survey was part of the National Citizens’ Survey by the National Research Center, Inc. He said Mr. King would provide an overview of another section of the survey at tonight’s meeting. He added that no action was required of Council at this time.

Mr. King provided an update on the Community Engagement section of the survey. He said of the 898 responses received, the response rate was low; however, the best response was in the College Heights neighborhood. He said the information provided would be helpful when a new survey is conducted next year.

There were no questions from Council or the audience about the survey results Mr. King presented.

Consent Items

Mr. Myers moved to approve the following Consent Items. Mr. Barlow seconded the motion, which passed unanimously.

- Approve the closing of various Borough streets on Saturday, September 28, 2019, from 3 p.m. to 9 p.m., for the annual East Highlands Neighborhood Block Party.
- Approve the use of various Borough sidewalks on Monday, November 11, 2019, from 10:45 a.m. to 11:45 a.m., for the annual Grace Lutheran Preschool and Kindergarten Veteran’s Day Parade.
- Approve, with condition, the closure of the 200 block of South Allen Street (between Beaver and Foster Avenues) on Saturday, October 12, 2019, from 6 a.m. to 7 p.m., for the 20th Annual State College Downtown Improvement District Fall Festival.
- Approve the closure of the 200 block of South Gill Street (between West Foster Avenue and Highland Alley) on Friday, September 27, 2019, from 3 p.m. to 9 p.m., with a rain date of Sunday, September 29, 2019, for the Gill Street Block Party.
- Approve minutes from the meetings held in May and June:

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<td>May 13, 2019</td>
<td>Special Work Session</td>
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<td>June 3, 2019</td>
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<td>June 17, 2019</td>
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General Policy and Administration

Minimum Municipal Obligation for the Borough’s Pension Plans in 2020

Mr. Fountaine said Act 205 of 1984 (as amended by Act 189 of 1990) requires that the minimum pension obligations for the upcoming year be submitted to Council prior to September 30 of each year. This Minimum Municipal Obligation (MMO) was based on actuarial costs of the pension plans, which were obtained from the Plan’s actuary, and the estimated payroll cost for 2020.

The 2020 MMO included costs for the Borough’s General Government Employees and Police Defined Benefit Pension Plans and the General Government Employees Defined Contribution Plan. Both General Government Employees plans are multi-employer plans, and costs are shared with Centre Region Council of Governments and included in this calculation.

Ms. Dauler made a motion to approve the 2020 Minimum Municipal Obligation Plans as requested by staff. Ms. Lafer seconded the motion, which passed unanimously.

Planning and Zoning

Request for Zoning Text Amendment to allow Cat Cafés in the Urban Village Zoning District

Mr. Fountaine explained that the Planning Department received a request for a zoning text amendment from Sharon Myers, who wishes to operate a cat café in a commercial property located at 616 West College Avenue in the Urban Village (UV) zoning district. The property was owned by Westside Village I, LLC and would be tentatively leased by Ms. Myers for the cat café operation. The applicant had indicated that the business would be a typical café where food and beverages were served, but in addition, fully vetted adoptable cats would be present in the café to socialize and interact with customers. The café would not be directly affiliated with an animal rescue operation, but café staff would work with such agencies to facilitate the adoption of cats by interested patrons while on the premises.

The applicant had indicated that the nature of the business might require the overnight boarding of cats, which was not currently permitted in the UV zoning district. Therefore, a zoning text amendment was requested. The proposed amendment would include a definition of a “cat café” along with additional parameters such as vaccination requirements.

Ms. Dauler made a motion to receive the request and refer it to the Planning Commission for review and recommendation. Mr. Murphy seconded the motion.

Ms. Lafer said she was uncomfortable with this request, although she liked cats. Her concern was that the students, who were only here for a short time, would be encouraged to adopt cats, but then be unable to take them home when they graduate. Consequently, the cats would end up being left behind or dropped off somewhere. She added there were already serious problems with feral cats. These adoptive kittens/cats will either not survive or add to the pre-existing cat problems. She said Ms. Myers well-meaning idea had a potentially negative impact on the community.

Mr. Myers said the café had nothing to do with the adoption of cats specifically. The café owner would work with agencies to facilitate that. Her intention was not to help people adopt a cat, but to encourage people who are interested in adopting a cat to go to a place where they are available. He said there were all kinds of cafés that intermix people with goats and other animals. He added that Ms. Lafer’s concern was unfounded based on the proposal submitted.

The motion to receive the request and refer it to the Planning Commission passed 4-3 with Ms. Engeman, Ms. Lafer and Mr. Brown voting against the motion.
Neighborhood Sustainability Program Report

In preparation for the Real Estate Advisory Committee’s 2018 Program Report, Planning Department staff provided Council with a review of the policy objectives, structure, and evolution of the program since its adoption in Fall 2013.

Mr. LeClear presented on the history, current state and recommendations of the Neighborhood Sustainability Program.

Ms. Hambrick, Chair of the Real Estate Advisory Committee (REAC), presented the recommendations for 2018/2019, and how they have been addressed.

Mr. Brown stated that he had concerns about refinancing the program for several reasons. 1) He doesn’t believe the program can succeed with the stated goal of turning around neighborhoods based on current statistics of the program. 2) He is concerned that the borough cannot financially afford to support the program. 3) He is concerned about the unintended consequences resulting from all the new kinds of housing coming on to the market. He is also concerned that in the past that there have been two separate incidents in which individuals have inappropriately profited from a property under the purview of the Redevelopment Authority (RDA). It is problematic that it happened twice since they should have known a way to prevent it from happening after the first time. He wondered if it was possible that it happened a second time, because it was not legally enforceable to stop it. This glitch in the system was expensive to the RDA, and the Borough.

Ms. Hambrick stated that RDA agrees with Mr. Brown’s comments.

Mr. Barlow was informed by Ms. Hambrick that 11 homes have been sold under the program. It was clarified for Mr. Barlow that the 535 homes under the program were for the whole borough. Mr. Barlow was informed that REAC’s recommendation to reduce the number of student homes is through purchasing licenses, and that the purchasing of licenses is cost effective.

Mr. Murphy requested clarification on where the line of credit originates, and what the total cost to the borough is. Mr. LeClear informed him that the line of credit from First National Bank is only owed on the $1.6 million that has been used, and not the full $5 million. The interest rate is currently a little over 2%. There is a draw on the line of credit when a home is purchased, and then it is paid back once the home is sold. Mr. LeClear clarified that if the RDA was unable to pay back credit, then the borough was responsible. Mr. LeClear added that when the RDA was created it was clear that it would be a sinking fund that would not generate revenue, and that the Borough would have to back the RDA.

Ms. Lafer said that in her view the importance of the housing program was that it ensures that there was not too high of a percentage of student housing in each neighborhood, because too many student houses changes the nature of a neighborhood. She listed several factors which lead student occupied houses to not be as well maintained as housing occupied by other demographics. The original idea of borough housing programs was to stabilize housing – block by block if necessary. It was a question of balance between student housing and non-student housing. The initial investment was meant to stabilize neighborhoods, and where it has worked, it has worked well. Several problems still exist, which can hopefully be addressed. Neighborhood stabilization programs have had success in the past, they should continue to be analyzed and supported by the Borough. The RDA should be utilized because they have tools in their toolbox the Borough Council doesn’t have. It should be a long-term commitment.

Ms. Engeman said no more houses should be bought until the market stabilizes. She said it seemed to her that the market for the houses under the RDA program were totally different than the market for the housing downtown.

Ms. Hambrick said that due to the new apartments becoming available downtown houses in neighborhoods may end up going unrested by students.
Mr. LeClear stated that there may be vacancies in the neighborhoods under question in the future which would allow for non-student rentals. Mr. LeClear said the rental and housing market in State College was likely undergoing significant changes, so it made sense to wait and see how this develops before retooling RDA.

Ms. Dauler agreed with Mr. LeClear that the market was changing and house owners in neighborhoods were renting to fewer students. She said she was heartened by the work that has been done by the RDA. She said that if you read the statistics in the RDA report it showed streets that were on the tipping point of becoming heavy with student housing had either stabilized or been reduced – either by the RDA program, or in combination with other market factors. The RDA program was expensive but, has also been successful in creating more owner-occupied homes. She cited an example of an RDA purchased home that was successful in keeping families and other homeowners in the neighborhood. The RDA was a work in progress, but she hoped that it will receive support next year. She acknowledged that there have been problems, but if the Council takes the long view, the program should be supported for at least a little longer.

Ron Madrid, 701 West Beaver Ave., stated that he was involved with REAC since its inception, so he had some knowledge of the program. He claimed that REAC was not very well thought out when it was being developed. He stated that Mr. LeClear when he was originally hired was not meant to be a real estate speculator, and neither he, nor his staff, had that background. The RDA program was never well defined, and no meaningful metrics were created to measure its success. Mr. Madrid said that the RDA was operating at a loss, which comes at the taxpayer’s expense. He also stated that the program has merit, but not the way it is currently set up. The program should not be buying properties, because that leads to financial loss. Part of the reason for the loss is that the people making the decisions were not real estate professionals. He suggested the program should be limited to only the purchase of licenses.

Mayor Hahn stated one factor that will significantly help the program is that the university has had stable enrollment over the last three years. One problem previously had been that university enrollment was increasing. The stabilization of enrollment has created an environment which was good for the students and neighborhoods, because now students have more choices. The stable enrollment, plus the growing supply of rental options, had potential to increase the effectiveness of the RDA program. Mayor Hahn said there have been numerous successes from the program in the past including preventing a historic property from being demolished and transferring the property to owner occupied status.

Official Reports and Correspondence

Mayor’s Report – Mayor Hahn compared his life to the movie *It’s a Wonderful Life*. He discussed the difficulties he felt growing up as an Asian-American in State College, and how growing up, he had the wished that he were not born of Asian descent. He said that ultimately, he has had a wonderful life in State College despite its imperfections. He has loved serving the community both on Council and as Mayor.

Mayor Hahn said since he was running for Magisterial District Judge, he recommended the Manager add a discussion for the procedure of filling the resulting vacancy to an upcoming meeting of the Council in September or October. He said that he was still open as to when he would submit his resignation, but if elected, he intended to submit it as soon as Monday, December 16, 2019.

President’s Report – Mr. Myers stated he appreciated the Mayor’s insight into our community. He recognized the need to move forward with what the Council will do when the Mayor is elected to another office, and that was something which would be publicly discussed. He reported that Council met in an executive session prior to the current meeting to discuss real estate and legal matters.

Manager/Staff Reports – Mr. Fountaine announced that work was continuing the appointment of the Task Force Mental Health Crisis Response Services, with an announcement coming as soon as early the following week. The first meeting was scheduled for September 26. He stated that on August 20, Chief
Gardner and himself met with members of the public to discuss the State College internal review. A follow-up meeting was scheduled for September 18 at 5:30 p.m.

Mr. Fountaine reminded everyone that the Welcoming Week Event was scheduled for Old Main on September 17 beginning at 5:30 p.m.

He noted that Council’s Regular Meeting scheduled for September 16 had been cancelled.

Student Representative Report – The UPUA student representative informed the public and Council of several Penn State events pertaining to sexual assault awareness, the groundbreaking of a solar energy project, and a vote drive.

Mr. Myers informed the public that Lion Bash was to occur on September 10 from 5-8 p.m.

Ms. Hambrick reminded students that they had to register to vote in the district in which they will be voting.

Mr. Landers-Nolan said he appreciated knowing that the September 16, 2019 Council meeting was cancelled. He said he appreciated the announcement of the follow-up meeting on September 18, in response to the shooting. He also thanked Borough Council for allowing the Osagie Family to speak.

Adjournment

The meeting adjourned at 9:51 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary
The State College Borough Council met in a regular meeting on Monday, October 14, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Hahn called the meeting to order at 7:01 p.m.

Present: Donald M. Hahn, Mayor
Evan Myers, Council President
Jesse L. Barlow
David J. Brown
Catherine G. Dauler
Janet P. Engeman
Theresa D. Lafer
Dan Murphy

Also Present: Edward LeClear, Planning Director; Genevievre Miller, Student Representative to Council; Dwight Miller, Finance Director; Douglas Shontz, Communications Specialist; Craig Bowser, IT Manager; Maureen Safko, Senior Planner; Greg Garthe, Zoning Officer; Thomas R. King, Assistant Manager for Public Safety; Sharon K. Ergler, Assistant Borough Secretary; Terry J. Williams, Borough Solicitor; Thomas J. Fountaine,II, Borough Manager; and Deborah A.S. Hoag, Director of Public Works; interested residents and members of the media.

Public Hearings

Public Hearing for 2020-2024 Consolidated Plan and 2020 Annual Action Plan and the 2020-2024 Fair Housing Analysis Update

Mr. Fountaine said Federal regulations require communities that receive entitlement Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds from the U.S. Department of Housing and Urban Development (HUD) to complete a Consolidated Plan, which is a five-year planning document that identifies a community's overall housing and community development needs and outlines a strategy to use the federal funds to meet those needs. State College Borough has completed a draft Consolidated Plan covering the period from 2020-2024. The Action Plan portion of the Consolidated Plan identifies the activities to be undertaken with CDBG and HOME funds during 2020.

Additionally, recipients of entitlement CDBG and HOME funds are required by HUD to prepare an update their Fair Housing Analysis approximately every five years. State College Borough prepared the 2020-2024 Consolidated Plan and the 2020-2024 Fair Housing Analysis Update concurrently and is concluding the citizen participation component of the process by conducting a public hearing to offer the opportunity for public input on the drafted documents.

The draft 2020-2024 Consolidated Plan including the 2020 Annual Action Plan and the 2020-2024 Fair Housing Analysis Update were distributed to Council under separate cover. A public hearing was held on May 7, 2019 to identify community needs. The CDBG Citizens’ Advisory Committee reviewed the documents at its meetings on June 25 and August 6, 2019 and unanimously recommended that both documents be approved by Council as presented, pending public comments. The Plan and the Update were advertised and made available for public review in the Planning Office, at Schlow Centre Region Library and on the Borough’s website from September 4, 2019 through October 4, 2019.

Council was asked to take comments on the 2020-2024 Consolidated Plan and 2020 Annual Action Plan and for 2020-2024 Fair Housing Analysis Update during the public hearing and may act on recommendations later in the meeting.

Mayor Hahn opened the public hearing at 7:02 p.m. There was no one in the audience who wished to speak during the public hearing, so he closed the hearing at 7:03 p.m.
Proclamations

Military Appreciation Week – Mayor Hahn had issued a proclamation declaring November 8-16, 2019, as Military Appreciation Week and presented it to Charima Young, Penn State’s Director of Local Government and Community Relations. Several representatives from Penn State came forward to accept the proclamation.

The Queen’s Six Day – Mayor Hahn presented Karen Blair, from The English-Speaking Union Central PA Branch, with a proclamation declaring October 24, 2019 as The Queen’s Six Day in the Borough.

Ms. Blair said as President of the English-Speaking Union for the past 6 years, she said she had worked with the State College School District and Jill Campbell and bringing the Queen’s Six Day to State College was a benefit to the State High students and students throughout Central PA.

Public Hour – Hearing of Citizens

Albert Jarrett, Foxdale Resident, said he had served on the State College Borough Water Authority for the past 20 years. He said although he was no longer on the Board, he had chosen to write and develop a history of the water system in State College. He commented that he was looking for good data from the period 1936 to 1950 and was hopeful the Borough would share anything it had in its archives during that time period.

Ellen Jarrett, 500 East Marylyn Avenue #36, said she was concerned about the driveway coming out of Foxdale in front of their main building. She commented that cars are often parked right up to the edges of the driveways. She said it made it almost impossible to see anything coming from the right. She said this made it a very dangerous intersection. She asked if some parking restrictions could be put into place, such as a one- or two-hour limit or no parking at all along that portion of the street.

Mayor Hahn noted that Public Works Director Deb Hoag was taking notes on Ms. Jarrett’s request and it was something she would refer to the Transportation Commission. Ms. Hoag said she would see if there was something the Commission could do there with some type of parking restrictions. Ms. Jarrett said thank you because there was an accident there earlier that evening and it was a scary intersection, especially with older drivers.

Consent Items

Mr. Myers made a motion to approve the following Consent Items. Ms. Lafer seconded the motion, which passed unanimously in favor.

- Approve the closing of various Borough streets on Sunday, October 27, 2019, from 6:30 p.m. to 8 p.m., for the Annual CRPR Halloween Parade. Please note the route change due to construction at Memorial Field.

- Approve, with conditions, the use of various Borough Streets on Saturday, November 9, 2019, from 9:00 a.m. to 2:00 p.m., for Cranksgiving.

- Approve Payroll and Accounts Payable vouchers for the month ended September 30, 2019, totaling $3,725,164.04.

- Approve minutes from the meetings held in July:

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• Approve the Engage 6 Website Upgrade Contract with current website vendor CivicPlus, in the amount of $13,574, which will be billed annually for the next three years.

• Approve the resolution authorizing the Manager or his designee to execute the application, plans and permits, as appropriate, for the traffic signal upgrades that include new traffic mast arms, new pedestals, and new stub poles with signal heads, signs and pushbuttons being constructed at North Atherton Street (SR3014) and Curtin Road.

• Ratify the Administrative approval of the application to authorize PennDOT to proceed with the design and permitting to finish the sanitary sewer design application for the Atherton Street Project.

• Accept the resignation of Justin Wheeler, with regret, from the Tree Commission effective immediately.

• Receive a Petition to Vacate a portion of Fox Alley between 420 and 448 East Prospect Avenue refer the matter to the Planning Commission for its review and recommendation and schedule a public hearing on this petition for December 2, 2019.

General Policy and Administration

Summers on Allen Street Closure

Brad Groznik and Molly Kunkel, Executive Director of Centre Foundation, provided a presentation on the “Summers on Allen” proposal and application. The application proposed to turn the 100 block of South Allen Street into an inviting and engaging pedestrian plaza with seating, landscaping, a play area for children, a small stage for performances and painted crosswalks.

The closure was proposed to take place beginning on May 11, 2020 following Penn State’s graduation weekend and Mother’s Day. The closure would end 8 weeks later on July 5, 2020 so there is ample time to set up for the Central PA Festival of the Arts.

Ms. Kunkel, said with a grant from The Knight Foundation Fund, the Centre Foundation has funding to create a space for the community to engage and interact and it will bring more people downtown during a time that is traditionally slow.

Mr. Fountaine said no action of Council was required at this time. Mr. Groznik’s report was for information only. The applicant would return later this year for Council’s consideration and vote.

Approve a Contract to conduct an Assessment of the State College Police Department

Mr. Fountaine said the Borough had identified consultants that were able to provide an independent review and assessment of the State College Police Department. The International Association of Chiefs of Police (IACP) submitted a proposal to conduct a systematic evaluation of the operation of the State College Police Department. The project will involve a comprehensive and independent assessment of State College Police Department’s critical policies, practices, and procedures and provide actionable recommendations in areas in which improvement is identified by the three (3) consultants. The results of this assessment will help further progressive change within the agency and set the course for improved interactions with all segments of the community. The IACP’s proposal was included with the agenda.

The proposal had identified three (3) experienced law enforcement professionals. They include Dr. Jessie Lee, Lead Subject Matter Expert, who is the former Executive Director of the National Organization of Black Law Enforcement Executives (NOBLE), Chief Sue Riseling, former and long-standing Chief of Police at the University of Wisconsin-Madison, and Mark Lomax, retired Major with the Pennsylvania State Police.
The proposal provided a six- (6) month timeline for the consultants to complete the work. The cost of the proposal was $60,000. Funding for this work was included in the special appropriation approved by Council previously.

Mr. Fountaine further explained that in addition to this proposal, Council previously approved a $100,000 contract from the National League of Cities Race, Equity, and Leadership (REAL) to conduct an assessment, provide training and develop a Racial Equity Plan for the Borough. Also, Council and the Centre County Commissioners jointly formed a Task Force on Mental Health Crisis Services. Lastly, Borough staff were currently in communications with several Penn State professors to discuss what role they may be able to play from an academic standpoint regarding mental health, race, including the intersectionality of mental health and race, and best practices around police policies and procedures.

Mr. Myers made a motion to approve the contract between the Borough of State College and the International Association of Chiefs of Police. Mr. Barlow seconded the motion, which passed unanimously.

Parking

Downtown State College Holiday Parking Program

Mr. Fountaine said attached to the agenda was a request from the Downtown State College Improvement District (DSCID) to approve the Holiday & Courtesy parking program for the 2019 holiday season. The 2019 program was the same as the approved 2018 program. It included free parking validations to be used every day at all municipal parking garages, beginning December 1 through January 2, 2020. The validations would be provided by the downtown merchants to their customers. The DSCID had also requested the holiday courtesy parking program be done again this year during the same period with only two courtesy cards being issued per license plate. The DSCID also requested that the parking garages and on-street meters become free to all parkers starting on December 23 through New Year's Day on January 2, 2020.

Ms. Dauler made a motion to approve the free holiday and courtesy parking program for the 2019 holiday season as described above. Ms. Lafer seconded the motion, which passed unanimously.

Planning and Zoning

2020-2024 Consolidated Plan and 2020 Annual Action Plan

Mr. Fountaine said the 2020-2024 Consolidated Plan and 2020 Annual Action Plan that was introduced during the Public Hearing held earlier during this meeting was also provided to members of Council for review.

The Borough’s Citizen Participation Plan required that a specific process be followed prior to Plan submittal to HUD. Through a process that started in December of 2018, all the required steps have been completed except for approval of the 2020-2024 Consolidated Plan and 2020 Annual Action Plan by Council.

No public comments were received on either of these.

Ms. Lafer made a motion to approve the 2020-2024 Consolidated Plan and the 2020 Annual Action Plan for submitting to HUD. Mr. Barlow and Ms. Engeman seconded the motion. The motion passed unanimously.

2020-2024 Fair Housing Analysis Update

Mr. Fountaine said Communities that receive entitlement Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds from HUD had an obligation to affirmatively further fair housing and must periodically update their Analysis of Impediments to Fair Housing Choice. The update included a review of the steps taken to address the impediments already recognized and identifies new or additional obstacles to fair housing. HUD recommended that the update to the Analysis occur in conjunction with the development of the 5-year Consolidated Plan.
Further, the 2020-2024 Fair Housing Analysis Update presents an overview of the community in general and fair housing practices specifically for both the Borough and the Centre Region. It showed that while there was no evidence of widespread violations of fair housing laws, as was noted in previous Fair Housing Analyses, there was still a lack of affordable housing. Since members of protected classes often had low or moderate incomes, the affordability issue becomes a fair housing issue.

Mr. Fountaine said the CDBG Citizens’ Advisory Committee reviewed the update at its meetings in June and August 2019 and unanimously recommended that it be approved by Council. The update was available for public review in the Planning Office, at Schlow Centre Region Library and on the Borough’s website from September 4, 2019 through October 4, 2019.

Ms. Lafer made a motion to accept staff’s recommendation to approve the 2020-2024 Fair Housing Analysis Update. Mr. Barlow and Ms. Engeman seconded the motion which passed unanimously.

Draft Zoning Text Amendment: Cat Cafes in the Urban Village Zoning District

Mr. Fountaine said the Planning Department received a request for a zoning text amendment from Sharon Myers, who wished to operate a cat café in a commercial property located at 616 West College Avenue in the Urban Village (UV) zoning district. The property was owned by Westside Village I, LLC and would be tentatively leased by Ms. Myers for the cat café operation. The applicant had indicated that the business would be a typical café where food and beverages were served, but in addition, fully vetted adoptable cats would be present in the café to socialize and interact with customers. The café would not be directly affiliated with an animal rescue operation, but café staff would work with such agencies to facilitate the adoption of cats by interested patrons while on the premises. The applicant had indicated the nature of the business may require the overnight boarding of cats, which was not currently permitted in the UV zoning district. Therefore, a zoning text amendment had been proposed.

Mr. LeClear said the Planning Commission reviewed the proposal at its September 19 and October 2, 2019 meetings, and provided staff with comments. Included with the agenda packet was a letter of explanation, a draft ordinance, a memo from the Borough’s Health Inspector, and email correspondence from a local veterinarian.

Mr. Fountaine said Council was being asked to review and discuss the proposal and the draft ordinance amending the zoning regulations. If Council wished to advance the ordinance, it could set a public hearing date and staff would proceed with required legal notice. The draft ordinance would be provided to the Centre County Planning & Community Development Office and placed on an upcoming Centre Regional Planning Commission agenda as an opportunity for comment prior to the hearing.

Mr. Fountaine pointed out that the procedural steps did not signify support or opposition.

Mr. Murphy made a motion requesting staff schedule a public hearing on December 2, 2019 and give notice of the proposed amendment to the planning agencies. Mr. Barlow seconded the motion.

Mr. Myers commented that he had been asked if the applicant was related to him since they had the same last name. He said Ms. Myers was his niece. He said he had informed the Borough Manager and the Borough Solicitor and had asked if he should recuse himself. Mr. Williams said since he had no vested interest in the building and/or the café, and neither did his wife or his children, he had the obligation to participate and vote on the matter.

Ms. Lafer said this was called spot zoning. She said the Planning staff and various ABC’s were in the process of fixing up the messed-up zoning. She commented it was not appropriate to change the zoning for just one building. She said she had remembered a case where someone was asking permission to board animals as need be and there was an incredible fight just so someone could board a single dog at someone’s house as needed and that request had been denied. She added that spot zoning was always a bad idea. She said she would not be voting in favor of this amendment.
Mr. LeClear said the Planning Commission had discussed that topic. Such uses are permitted in the commercial district downtown. The Urban Village District (UVD) had a reverse logic and the use could be permitted but it was not automatic. He said other properties in the UVD could take advantage of the concept.

Ms. Lafer said this was another step in the zoning rewrite that needed to be addressed.

Ms. Dauler said she appreciated Ms. Lafer’s concern. She said she also appreciated Mr. LeClear’s clarification as well. She thought it was worthwhile to schedule and hold a public hearing because Council could learn a lot when they hear from the public about this.

The motion passed 6-1 with Ms. Lafer voting against the motion.

Revision to 2019 Schedule of Fees

Mr. Fountaine said in order to best prepare for the impact of redevelopment on the Calder Way Sanitary Sewer Basin, Borough Engineering staff had worked with a consulting team to develop a dynamic use and capacity model. The Borough now required applicants submitting land development plans and zoning permits within the Calder Way system to undertake modeling to evaluate potential impacts to capacity of the line. This will be determined based on the number of additional EDUs proposed and where the flow was being added to the system. Therefore, all proposed sanitary sewer flows would be modeled by the Borough’s consultant, Gannett Fleming. The proposed resolution created an escrow amount of $500 for the initial evaluation which was estimated to take 2 hours and would be billed at the current GF rate for Project Engineer III or lower. If the initial evaluation results in justification for additional, advanced study, then the developer shall submit additional escrow of $1,000.

Mr. Fountaine added that additionally, Planning staff had recommended revisions to the amounts of escrow required for transportation impact studies and stormwater analysis. And, for a revision to the fees for Zoning Hearing Board appeals of the Zoning Officer’s determination.

Ms. Dauler made a motion to approve a resolution revising escrow amounts and fees for the 2019 Fee Schedule. Ms. Engeman second the motion, which passed unanimously.

Public Works

Request for a Waiver of the Noise Ordinance for The Standard Construction

Mr. Fountaine said PJ Dick was requesting a waiver to work at times outside of the Borough’s 7 a.m. to 7 p.m. noise ordinance for the construction of The Standard located at 330 West College Avenue for a maximum of twenty dates between approximately November 22, 2019 and April 24, 2020 per the preliminary pour schedule. The proposed schedule attempted to keep the early morning activity on Fridays and was to enable them to make the larger concrete pours required for the building’s construction. A communications plan had been submitted with a map detailing who would be contacted the minimum three business days in advance of the early morning pours and showed which properties were residential in nature.

Mr. Fountaine explained that the communications plan outlined who would be provided advanced notice and how the notice would be communicated to ensure neighboring property owners, their residents and the Borough were all aware of the early work at least three days in advance. The notice provided shall include the intent, start time and duration of the work as well as the contractor's contact phone number and email for concerns and/or questions.

Ms. Lafer made a motion to approve the noise waiver request. Ms. Engeman seconded the motion.

Mr. Barlow questioned the December 20 date because that was during the last days of finals. He asked if it were possible to move that date.

Jeremy Meadway from PJ Dick said the schedule included with the agenda was their preliminary schedule and he said he was aware of the Borough’s blackout dates.
Mr. Murphy said he was very interested in the traffic pattern by the cement trucks. He asked if it was the same as the traffic pattern into the site off West College Avenue. He asked where the trucks were originating from and where they would be returning to. Mr. Murphy made a motion to amend the original motion to delay the start time of the pours until 3 a.m., which was after the bars closed. Ms. Lafer seconded the amendment.

Eric Paulley, 300 West College Avenue, said he lived in an apartment right next to the construction site. He noted that graduate students had limited time to sleep. He said when looking at the proposed pour dates, the ambient temperatures were much colder. He said if the concrete pours were temperature sensitive and affected the structural integrity, he asked why the pours had to occur at night. Why did the pours have to occur during the overnight hours and not during the day when the temperatures rise? He said the contractor had started many dates before the required 7 a.m. start. Often, he said he heard the contractor starting as early as 6:15 a.m.

Kristen Dzvonyicsak, representing PMI, a property management company, said she managed a complex next door to this site and in the past, she had received several emails from residents because the contractor was starting before the mandated 7 a.m. start time. She said the property she managed attracted mostly graduate students who had raised a lot of concerns. She said as a result of the construction, she had lost two residents in November due to the vibration and noise because they were unable to concentrate on their studies.

Pat Vernon, a College Township resident, said he was there representing concerns of people who live in the University Club. He explained that the people who resided there were international graduate students. He said he had heard similar complaints from his tenants. He said when the contractor is digging underground, everything at the University Club shakes. He asked that the contractor please be considerate to his neighbors.

Mr. Meadway said the activities that had previously occurred had not been performed by PJ Dick. That work was done by a rock excavating company who was hammering into the stone.

Mr. Brown asked if the destruction of the James Building overlapped with the construction of this building. Mr. Fountaine said there would be an overlap and he anticipated they would also be submitting a request in the future for overnight pours.

Ms. Hoag said the James Building demolition could be done as soon as Thanksgiving.

The amendment passed 5-2 with Mr. Brown and Ms. Engeman voting against the amendment. The motion to approve the amended motion passed unanimously.

**Traffic Pattern Changes to South Burrowes Street, New Alley and Miller Alley during construction of the Pennsylvania State University Center for Innovation, Making and Learning (James Building) at 121-123 South Burrowes Street**

Mr. Fountaine said the developers for the project bounded by South Burrowes Street, New Alley and Miller Alley were requesting to alter traffic patterns on various roadways and sidewalks during the project construction. These changes include the following:

1. **South Burrowes Street** – Closure of the sidewalk in front of the building occupied by 121-123 South Burrowes Street. Pedestrian traffic would be maintained but diverted into the shoulder of South Burrowes Street in the area for the duration of the project. Institution of a lane width restriction along South Burrowes Street in the area of the project. A concrete jersey barrier would be installed to provide a 5’ minimum wide protected sidewalk along the northbound shoulder for pedestrians. Two 11’ wide traffic lanes would remain.

2. **New Alley** – Closure of New Alley throughout the duration of construction to facilitate the installation of temporary sheeting and shoring for foundation construction.
3. Miller Alley – Encroachment of the construction site perimeter fence 4’ into Miller Alley throughout the duration of construction, with intermittent short-term closures of Miller Alley as required for construction activities. A 16’ wide traffic lane would remain.

Mr. Fountaine explained that staff had reviewed the traffic pattern change request and had determined no major issues with the request. An agreement with the developer would include consideration for the use of public right-of-way during the closure.

Council was required to approve the traffic pattern changes on South Burrowes Street, New Alley and Miller Alley. PennDOT approval was not required.

Mr. Myers made a motion to approve staff recommendation which was to approve the changes in the traffic patterns and lane restrictions as described for a period not to exceed 24 months and authorize the Manager to execute an agreement with the owner for these traffic pattern changes and consideration for the use of the rights-of-way. Mr. Barlow seconded the motion which passed unanimously in favor.

**Official Reports and Correspondence**

**Mayor’s Report** – Mayor Hahn reminded Council that he was running for the Magistrate District Judge and urged the Manager to schedule time on an upcoming agenda to discuss the interim Mayor process.

**President’s Report** – Mr. Myers outlined the process for Council’s selection and pointed out that Council had 45 days to appoint a qualified person. The process he was proposing was for interested people to submit a letter of interest and qualifications and explaining why he/she would like to serve as Mayor.

Ms. Dauler said it was a good outline for Council to follow. She noted that she appreciated Mr. Myers and staff’s efforts and for bringing clarity to the process.

Mr. Myers said Council had met in an Executive Session prior to this meeting to discuss Personnel, Legal Matters and Litigation.

**Manager/Staff Reports** - Mr. Fountaine said Finance Director Dwight Miller was present to answer any questions Council members had about the Year-to-Date Financial Report.

**Student Representative Report** – Ms. Miller said September 23 and September 27 was UPUA Votes Week. She urged all students to get and/or staff politically engaged. She added that this week was UPUA’s Financial Resources Education Week.

There being no additional business to discuss, the meeting adjourned at 9:03 p.m.

Respectfully submitted,

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Sharon K. Ergler
Assistant Borough Secretary
The State College Borough Council met in a regular meeting on Monday, September 9, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Hahn called the meeting to order at 7 p.m.

Present: Donald M. Hahn, Mayor  
Evan Myers, Council President  
Jesse L. Barlow  
David J. Brown  
Catherine G. Dauler  
Janet Engeman  
Theresa D. Lafer  
Dan Murphy  

Also Present: Terry J. Williams, Borough Solicitor; Dwight Miller, Finance Director; John A. Gardner, Chief of Police; Thomas R. King, Assistant Borough Manager for Public Safety; Craig Bowser, Chief Technology Officer; Genevievre Miller, UPUA Student Representative; Sharon K. Ergler, Assistant Borough Secretary; Borough residents and members of the media.

Items of Information from Council Members

Mr. Barlow said next Saturday was the Alzheimer’s Walk and he urged others to walk in support because he said he personally had lost two members of his family to Alzheimer’s.

Ms. Lafer said she wanted to discuss what was and was not working with the Highlands Parking Pilot Program and said she would like to see it addressed sooner rather than later. Her second topic was a sustainability question. She said lighting was often lost on infrastructure. She wanted to continue to look at the affects of too much or too little lighting. She said those affects dealt with safety and someone’s mental health.

Ms. Dauler asked to have added to an upcoming agenda a report on the PA Municipal League Conference she and Ms. Lafer had attended.

Mr. Brown said he had done a ride along last Saturday evening with the Police. He said he was there when a traffic fall had taken place and was really impressed and gratified with the competency and intense efforts made by the six officers on scene to help the situation. He said they all had a remarkable impact by their presence and the help they were providing.

Ms. Engeman said she also wanted to discuss the Highlands Parking Pilot Program because she has heard great consternation about it because so many people do not understand it.

Public Hour – Hearing of Citizens

There was no one in the audience who wished to speak about an item not on the agenda.

Consent Items

Ms. Lafer made a motion to approve the one Consent Item. Ms. Engeman seconded the motion which passed unanimously in favor.

- Approve, with conditions, the closing of the 100 and 200 blocks of South Allen Street on Friday, November 22, 2019, from 2 p.m. to 11 p.m., for the Annual Downtown State College Improvement District Tree Lighting Event.
General Policy and Administration

Review and discuss proposed changes to fees for the Private/Public Towing Ordinance

Mr. King said public and private towing of vehicles in the Borough was regulated by ordinance. A towing license was required for any towing company engaged in the business of towing vehicles at the request of the Borough from highways, public rights-of-way or other public property in the Borough. The ordinance sets various fees related to the towing, storage, and return of vehicles.

The ordinance suggested that all charges and fees authorized by the ordinance be reviewed periodically to determine if changes are warranted. The fees for the towing, storage, and return of vehicles were last updated in September 2017. In response to a recent request from approved Borough towing companies to increase various fees, the following changes in the fees were proposed to the ordinance:

Ms. Lafer said Council had reviewed these fees in the past and asked if the expenses to the towers had risen.

Chief Gardner said staff had met with the local towers and they had asked staff to consider raising fees in the 7 areas outlined in the agenda. The towers provided examples and fees of what was occurring in the Centre Region, as well as outside the region. The proposed fees were inline regionally and across the state. He added that operating costs continued to rise, with insurance, equipment, wages, etc. He said staff felt what was recommended was fair and equitable across the board. He urged Council to adjust the Fee Schedule accordingly.

Mr. Myers said the fees outlined contained a 10 – 20% increase, especially the overnight release fee which included a 50% increase. He noted that these were much higher than just an inflationary rate. He asked if there was justification for the higher rates.

Cathy Tennis, from John Tennis Towing, said as Chief Gardner stated, the local towers were not asking for increases in all the fees. She said there were certain areas that had greater administrative costs, such as the odd or different ones they do not deal with daily. She said they deal with people who want to pick up their cars in the middle of the night who are not themselves (i.e. drunk, angry, etc.) who are a bigger concern to the company and their employees’ safety. She said when they come in to get their car(s) in the middle of the night they create greater risks for more than one employee.

Ms. Lafer made a motion to approve the proposed changes to the fees. Mr. Brown and Ms. Dauler seconded the motion. The motion passed unanimously in favor.

Mr. King related to the Towing Ordinance, he said he had spoken with the Manager and Solicitor and he would be bringing to Council soon an ordinance regulating towing companies who issue tickets on private property. He said staff continues to have real challenges with that practice.

Sale of Surplus Property

Mr. King explained that the Borough owned a parcel of property (Tax Parcel #36-004-.277-.0000-) that was located at the corner of North Atherton Street and Woodland Drive and consists of 0.21 acres. The parcel has been determined to be surplus property, which was no longer necessary for the Borough to maintain, except for a small piece needed for signage. The Borough may dispose of the property, if it retained an easement for the signage. Council had asked the staff to provide an analysis on the permitted uses of the property. A staff memo prepared by the Zoning Officer was included with the agenda.

Mr. King said a resolution finding that the property was surplus property and authorizing the sale was attached for Council’s consideration and action. Sealed bids would be received for the sale of the property. Council may sell the property to the highest bidder or it may reject all bids and retain the property.

Mr. Myers made a motion to approve the resolution and offer the property for public sale with sealed bids. Mr. Barlow seconded the motion.

Ms. Dauler said she would like to amend the motion to postpone discussion until such time that she has had an opportunity to bring this up before the College Heights Neighborhood Association meeting. She said she had spoken briefly with Steve Smith, the neighborhood president, who said he knew nothing about this. Ms. Lafer seconded the amendment.
Mr. Brown asked the Solicitor for clarification. He asked why Council could not vacate this piece of property, like what they have done with alleys. Mr. Williams said the difference was Council does not own alleys, but they do own this piece of property.

Ms. Dauler’s amendment passed 6-1 with Mr. Murphy voting against the motion.

Mayoral Discussion and Recruitment

Mr. King said at Council’s October 14, 2019 meeting, Council President Evan Myers distributed an outline of the proposed process for an interim Mayor. Council members were asked to look over it and be prepared to provide input on the process at this meeting.

Mr. Myers said interested candidates are urged to submit letters of interest by Wednesday, November 6. After that date, Council members could begin their discussion on who might be finalists. He added that Council should have a consensus by the beginning of December and vote on the interim Mayor at its December 16, 2019 meeting. He said he would invite any new members of Council to participate in the discussion and deliberation; however, they could not vote.

Ms. Lafer said she would like to make small amendment. She said she thought the appointee should be someone who was not planning to run for Mayor in two years. She noted that it sounded arbitrary for Council to choose someone to do the job giving him/her a step up for the next election. She said it was important for Council to find someone who was competent and understood the needs of the job and to fill the remaining portion of the term.

Mr. Murphy said he wanted to offer his reflection on what was just said. He said the only criteria that must be set forth was that the interim Mayor must be someone at least 18 years of age or older and was a registered voter in the Borough. He was not in favor of a stipulation that the interim Mayor could not run for election of the position, in terms of process and/or procedure.

Ms. Engeman said she concurred with Ms. Lafer. She agreed that once someone was in the position for two years, it gave him/her a leg up in the next Mayoral election, which was an unfair advantage.

Mr. Barlow said someone’s intentions are unknowable. If you believe that is what the persons wants and/or intends to do, that was fine. He said it was not something Council could impose on the process. Council needed to identify the best person to serve in the job.

Council had a lengthy discussion on the process and what it could and could not set as criteria when selecting an interim Mayor. Ms. Dauler said she would like to see a list of the commitments the Mayor was required to make in a year. She said she knew there were a lot of events that came up suddenly and often required a bit of time of preparation. She added that it was important for the Mayoral candidates to know what the job entailed.

Mr. Myers pointed out that staff had prepared a special section on the Borough’s website that included the process, information on the time commitment required and for candidates to see what they needed to do.

Mr. Myers said he understood Ms. Lafer’s rationale for wanting to know if someone intended to run for the position in two years; however, he agreed with Mr. Murphy. He said as Council began its deliberation and things, Council should articulate why they felt someone was more qualified or better serving as Mayor over someone else. He added that anyone who stepped forward to apply to be Mayor should be praised because service on behalf of the community was not always easy.

Ms. Engeman asked if it would be appropriate to ask the candidate(s) if they intended to run for the office in two years. Mr. Williams said any question was appropriate.

Mr. Barlow made a motion to approve the timetable laid out by Mr. Myers. Ms. Dauler seconded the motion which passed unanimously.

Official Reports and Correspondence

Mayor's Report – No Report

President's Report – Mr. Myers said he had attended the United Nations Association Dinner held at the Ramada, which was dedicated to educating and mobilizing principals of the United Nations.
Regional Liaisons Reports

- Executive – Evan Myers said the Executive Committee was meeting tomorrow to discuss the agenda for the next General Forum meeting. He said the COG Budget would be front and center in the discussion.
- Finance – Evan Myers said COG’s Budget was the main topic of discussion and it was something Council would be discussing soon.
- Human Resources – David Brown said the Human Resources meeting was cancelled.
- Parks Capital – Janet Engeman said the Parks Capital meeting was also cancelled.
- Public Safety – Catherine Dauler reported that the Public Safety Committee met with the Code Administration Director and a representative from the Fire Protection of Emergency Management. She said Steve Bair was in the process of compiling information on a Request for Proposal (RFP) that was sent out for a Fire Protection Plan Study.
- Centre Area Cable Consortium – Catherine Dauler said the Cable Consortium was in negotiations with Comcast and said she hoped to have a report very soon.
- Public Services – Jesse Barlow said the Public Services Committee met on October 3 and a good part of the presentation was from Pam Adams on a Regional Greenhouse Gas Inventory.
- Transportation and Land Use/MPO – Theresa Lafer reported that the Transportation and Land Use Committee held their bi-annual meeting with the Centre Regional Planning Commission.
- Ad-Hoc Facilities Committee – Dan Murphy said the Ad-Hoc Facilities Committee had not met.
- Regional Fire Safety Program Steering Committee – Dan Murphy said Ms. Dauler covered the update in the RFP in her report.
- COG Executive Director Search Committee – No Report

Manager/Staff Reports - Mr. King provided a monthly update on the National Citizens’ Survey. In December 2018, staff provided Council with an overview of the 2018 National Citizens’ Survey results from the surveying of State College Borough residents in 2018. This survey is part of the National Citizens’ Survey by the National Research Center, Inc. This year, staff had periodically provided Council with an overview of the survey results of specific components or sections of the report. At this meeting, Mr. King reviewed the Safety section of the report. No action was required of Council.

Assistant Manager Tom King provided a monthly update on the Report on Equity, Diversity and Inclusion. He noted that Task Force appointments were made in early September. Dr. Billie Willits was chosen as the Chair of the Committee.

Student Representative Report – Ms. Miller gave a brief update. She said UPUA had an online Fair Housing Reporting Update on their website so students could obtain better information.

Adjournment

Ms. Lafer made a motion to adjourn the meeting at 8:19 p.m.

Respectfully submitted,

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Sharon K. Ergler
Assistant Borough Secretary
Meeting Minutes
State College Borough Council
Special Meeting
October 25, 2019

The State College Borough Council met for a regular meeting on Monday, October 25, 2019 in the Municipal Building, 243 South Allen Street, State College, PA 16801. Council President Myers called the meeting to order at 12:06 p.m.

Present: Evan Myers, Council President
Jesse L. Barlow
Catherine G. Dauler
Janet Engeman
Theresa D. Lafer
Dan Murphy

Absent: Donald M. Hahn, Mayor
David J. Brown

Also Present: Thomas J. Fountaine, II, Borough Manager; Sharon K. Ergler, Assistant Borough Secretary; Deborah A.S. Hoag, Public Works Director; Dwight Miller, Finance Director; Douglas Shontz, Communications Specialist; P. Rick Ward, Parking Director; Craig Bowser, Chief Technology Officer; Amy J. Kerner, Borough Engineer; Leann Shaw, Human Resources Manager; Tracey Miller, Ed Holmes, Director of Purchasing/Risk Management and members of the media and interested residents.

Public Hour

There was no one in the audience who wished to speak during the Public Hour.

Strategic Plan Update

Mr. Fountaine explained that the Strategic Plan was started in the Fall of 2018 and staff was working to finish it up this fall. He noted that Council met earlier in the year to develop the Vision for the Strategic Plan. Also included was an outline which provided leadership opportunities and Critical Success Factors such as Welcome & Engaged, Safe and Livable, Relational and Effectively Governed, Vibrant and Prosperous, Planning and Sustainable and Fiscally Resilient.

2020 Operating Budget

Mr. Fountaine distributed and presented the 2020 Operating Budget. Staff also provided a brief summary of the key issues and highlights of the proposed budget, including the Year-to-Date Financial Report. Finance Director Dwight Miller was present to answer questions. Council was scheduled to begin its review and discussion on the 2020 Budget at its October 29, 2019 meeting. Mr. Fountaine also recognized the staff who worked on the budget which included: Dwight Miller, Leann Shaw, Department Heads, Douglas Shontz, Kayla Irvin and Sharon Ergler.

Discussion on the Appointment of Interim Mayor

Mr. Myers said at Council’s last meeting, it approved the process and timetable for the Interim Mayor. Letters of interest were due the close of business on November 6, 2019. He praised staff for the prominent link on the Borough’s website, which included a link to apply, background information and the time commitment required.

Ms. Dauler said she had requested, from the Mayor’s Assistant, an estimate of the time commitment for meetings and other events, which she passed out to everyone. She said this was not something cast in
stone. It was merely prepared to give Council members a general idea of the time commitment needed to be the interim Mayor. She added that she was hopeful this information could be included on the Borough’s website. She reiterated that the list was merely an example and recognized that each Mayor did some things differently.

Ms. Lafer thanked Ms. Dauler and staff for preparing the list of commitments, which was a good depiction of what the State College does. She noted that in the Borough’s Home Rule Charter, the role of the Mayor is a weak Mayor who does not get to vote. She commented that Council did not expect the interim Mayor to be active in all national, state and local activities. She added that Mayor Goreham spent many hours each week with students. She commented that when Felicia Lewis was appointed as interim Mayor after Bill Welch died, it was for a shorter period and the it was more formally done. She said Council needed to be careful that it was not being pushed into some formal process. She urged Council members to pick the person who was the best fit for the position. She did not want to see Council members make this a political or a party statement.

Mr. Murphy said he appreciated staff pulling the information together. He questioned how Council would go about asking questions of the candidates, such as their interest in the position and their responsibilities. He also asked how the conversations should be structured and how much time should be spent with each applicant.

Mr. Myers said it was a good idea to discuss the process. He noted that the only people who could vote on the interim Mayor was Council. He liked the idea of including Council members elect and the student representative in the process.

Ms. Lafer said she preferred to keep the process simple. She commented that she would like to see four tables set up, divide up Council members and staff sit and ask questions of the candidates in a round robin fashion. She said she thought that was a good way for Council to interact with the candidates and what she was proposing was informal.

Ms. Engeman said the process Ms. Lafer was proposing may have been too informal. She said she and other Council members may miss something a candidate said and would like to have heard it.

Ms. Dauler distributed a handout with a list of suggested guidelines for Council members to consider when interviewing candidates. Some of those guidelines included work experience in local government, running public meetings, understanding the position was for just two years, the interim Mayor could not be an active employee of the University, the National League of Cities nor the PA Municipal League. Other guidelines included that the interim Mayor could not be a developer, a member of a coalition of neighborhood associations or be involved in Penn State student engagement. She said she did not expect a lot of reaction on the list of guidelines she had prepared because Council members were just seeing the list for the first time.

Mr. Barlow said as one of the Penn State employees currently serving on Council, he was not in favor of excluding people who might have been employed by the university. He said there were 3 Council members currently serving who were employed by Penn State. Ms. Dauler said it was important that the interim Mayor not be connected since they represented the entire community. She said often lines can get blurred. The interim Mayor needed to represent everyone and not have some bias towards the university.

Ms. Lafer said a full-time university employee may not have time to be to be the interim Mayor on top of any full-time job. She questioned how someone could juggle two full-time jobs. She said a university employee could have a conflict of interest, which could be interpreted in many ways. She added that she did not see how a full-time employee would be appointed as the interim Mayor. She said the same problem goes with developers. She did not want to see a local developer as the next Mayor because of the process Council and the Planning Commission were undertaking with the Zoning Ordinance rewrite.
She commented that State College Borough was not divided into wards, like the local townships. The interim Mayor needed to represent the entire community’s best interest at heart.

Mr. Myers said he appreciated Ms. Dauler pulling those ideas for Council members to consider. He commented there were many thoughts of various things to consider when selecting the interim Mayor. He said the only qualification required was that the applicant be at least 18 years of age and could be a registered voter in the Borough. He said he found the list to be highly discriminatory. He questioned what other employees should be included such as homeowners, renters, fast-food workers be excluded. When considering a developer, should a small-scale developer be considered but not a large-scale developer. Mr. Myers said these were appropriate questions to ask the candidates; however, to use as disqualifiers was something Council should not do and was not appropriate.

Ms. Engeman said she was not certain how Council could weigh someone who flips burgers vs. someone who was a Penn State employee. She said the Borough had ongoing problems with the university. She said over the years Penn State had things they wanted to do that spilled over into the Borough. She added that Penn State officials were not pleased with those who disagreed with them. She agreed the conflict could cause a problem. She commented that she did not consider someone who built an apartment building as a developer.

Mr. Barlow said although the university was often very poor at informing the community of things they were doing, he commented that he had worked there for the past 38 years. He said an interim Mayor candidate, who worked at Penn State, may have a very opposing view of the university. A lot of Penn State employees trust of the university was very small.

Mr. Murphy said his first reaction when looking at Ms. Dauler’s proposed guidelines, was anger and misconception. He said things like this motivated him to run for office and he was doing his darndest to make things work, in addition to his full-time workload. He added that he was offended by the suggested guidelines and the lack of development, thought and judgment. He said others may be shocked to know that a candidate was not always agree with Penn State. Everyone was entitled to the freedom of thought. He urged Council members to step back from the suggested guidelines and undue influence. He asked that Council have more time to review, discuss and vote on the suggested guidelines before Council began to receive applications.

Ms. Dauler said what she heard from Mr. Murphy was that Council members should have more time to review the drafted guidelines and Council could have a discussion on them before Council began to accept applications for the position as interim Mayor. She commented it was important for candidates to know what was expected and what qualifications they needed to have before applying. She said Council needed to be forthright and be fair to those interested in the position.

Ms. Lafer said she had worked for the university for over 30 years. She said she was concerned about the conflict of interest with those employed by Penn State. She commented that as Mayor or as certain employees of the university they were subject to certain lines of information that others were not privy to. She said she had seen it many times in the past. She said if a candidate was a retired Penn State employee, she was not going to hold that against a candidate. She said what Ms. Dauler handed out was simply a guideline, they were not ruling that could not be edited or deleted, as needed. She added that some Council members viewed these guidelines as an attack, and these were not meant as an attack. The concern was only to make the transition as smooth and easy to whomever Council appointed.

Mr. Fountaine asked Council if these rules and/or guidelines should be set or should these be left as questions or up to people’s conscience. Was this list something Council wanted to vote on prior to opening the application process. He commented that Council did not have a voting meeting until November 18.

Mr. Myers took a straw vote of Council. Mr. Fountaine said there appeared to be some disagreement on Council and a vote would be appropriate. He said Council could discuss it at a work session on November 8 or at its next regular meeting on November 18. He also commented that Council could hold
a special meeting. He added that Could would need to decide if they wanted to vote on the guidelines, discard them or to edit them since the deadline for applications for the interim Mayor was November 8.

Ms. Dauler said it was important to have the guidelines in place, so the candidates knew what was required before they applied.

There being no additional items to discuss, the meeting adjourned at 1:13 p.m.

Respectfully submitted,

_____________________________
Sharon K. Ergler
Assistant Borough Secretary
Meeting Minutes
State College Borough Council
Work Session
Tuesday, October 29, 2019

The State College Borough Council met in a work session meeting on Tuesday, October 29, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Evan Myers called the meeting to order at 5:43 p.m.

Present: Evan Myers, Council President
Jesse L. Barlow
David J. Brown
Catherine G. Dauler
Janet Engeman
Theresa D. Lafer
Dan Murphy

Absent: Donald M. Hahn, Mayor

Also Present: Terry Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough manager; Dwight Miller, Finance Director; P. Rick Ward, Parking Manager, Craig Bowser, Information Technology Manager; Roger Dunlap, Assistant Borough Manager/Chief Financial Officer; Matt Wilson, Assistant Chief of Police; Tom King, Assistant Borough Manager for Public Safety; Deborah A.S. Hoag, Director of Public Works; Genevievre Miller, Student Representative; Stacy E. Hall, Administrative Assistant; Borough residents and members of the media.

Public Hour – Hearing of Citizens

Pat Vernon, a College Township resident, asked if there was any way the Borough could stop from having a paid mayoral position? He asked what the real purpose of the student home license was? He commented it was puzzling to landlords as there had never been a full explanation of the reason why it was created.

2020 Operating Budget

Mr. Fountaine said staff would begin discussion of the 2020 Operating Budget and the focus at the meeting would be the Police Department, Parking Department and Neighborhood and Community Services sections of the budget.

Police

Assistant Chief Matt Wilson reviewed the 2020 Police Operating Budget in detail beginning with the mission statement and followed up with the key department objectives. He outlined the year-end 2019 projections compared to the 2020 proposed Budget which included an increase in revenue of $135,556 and an increase in expenses of $160,705 which totaled a net change of $25,149.

Mr. Wilson reviewed the organizational chart pointing out there were two main divisions under the Chief of Police with most of the personnel being in the patrol division. He said the Department had 61 sworn officers and 10.75 civilian employees. He reviewed personnel highlights which included the addition of one police officer proposed with no staffing change proposed for civilian employees. He reviewed various trainings that would be provided which included Crisis Intervention Team (CIT) training along with detective/investigative trainings held in house. He outlined several equipment items that would be purchased including 40 additional body cameras, nine tasers to replace ones that would be taken out of service and eight additional ballistic vests.
He reviewed in detail upcoming highlights from the Patrol and Detective Divisions along with community relations activities slated for 2020. He concluded the presentation by saying in 2020 the Police Department would continue its role in the community by partnering with community organizations and participating in community events.

Ms. Dauler asked how the drone program was utilized and how long it had been in effect? Mr. Wilson said the Police Department (PD) had several drone operators who were well trained and passed the FAA test in order to operate the drones. He said a stringent policy was followed and currently the drones were used for crash and crime scene investigations, missing person cases or any tactical situation where the use of the drone would keep an officer from being put in a dangerous situation. He said the drones had been used for two serious crash investigations to get a view from an elevated position.

Mr. Brown asked who owned the drones and performed maintenance, if needed? Mr. Wilson answered they were owned and maintained by the PD. Mr. Brown asked how many drug-related incidents occurred in the past year where Naloxone was used? Mr. Wilson said he did not have an exact figure, but it was used more than he expected. Mr. Brown said he would like follow-up on the data.

Mr. Barlow asked what the white-collar crime investigator did? Mr. Wilson said they investigated computer and fraud investigations, such as bank scams.

Mr. Murphy noted it had been a challenge to staff Penn State student employee ranks which had an impact on auxiliary officers. Mr. Wilson said the Borough did not have auxiliary officers, but PSU had been unable to staff their programs and the Borough did not supplement with SCPD officers. Mr. Murphy asked if the new tasers would perform differently? Mr. Wilson explained the reason new tasers were being purchased was because the manufacturer would not back them after five years. The original tasers were purchased in 2015. Therefore, the tasers being purchased in 2020 would be the same model as the tasers currently used. He said there were new tasers built for closer quarters, but the PD was not ready for those yet. He added the new tasers were being considered to determine whether they would be appropriate for the Department.

Ms. Engeman asked Mr. Wilson to explain Camp Cadet which was listed under Community Partners. Mr. Wilson explained Camp Cadet was a county program and was a camp for boys and girls aged 12 to 15 where the police officers were counselors and taught the kids police-related activities. He said they also rode motorcycles and were taught basic camping skills.

Ms. Lafer thanked Mr. Wilson and the Police Department because her neighborhood had been quieter and better behaved. She also was impressed there was only an increase of $150,000 from the 2019 prediction to the 2020 proposal.

Parking

Mr. Ward explained the Parking Fund was separated into the Parking General Fund and the Parking Enterprise Fund. He reviewed the General Fund Summary which showed a decrease in revenues. He said meter violations had been on the decline since new meters with credit card capabilities had been installed.

He noted the Parking Study would be completed in early 2020 and would focus on underutilized on-street parking spaces and ways to make them more accessible to visitors and businesses downtown.

He said there would be training and initiatives taking place in the Parking Department placing a renewed focus on positive customer service and interactions.

Mr. Ward reviewed the Parking Enterprise Fund stating the Parking Supply and Demand Study would update the 2015 study and provide valuable information regarding the supply and demand for both public
and private parking downtown. He said the information would be valuable in determining the need and location for the development of parking.

Mr. Ward explained the projected revenue in 2020 would not change drastically from the 2019 Budget. He said indirect costs and labor costs from Public Works for the maintenance of facilities had decreased in the 2020 Budget. He noted the debt service for the Parking Enterprise Fund had increased $1.5 million since 2016 due to the debt service from the construction of Beaver Garage and renovations done to the Pugh Street Garage.

Mr. Ward reviewed Parking Department highlights which included several potential projects for additional parking downtown. He said the Highlands Residential Pilot Parking Program would be evaluated at the end of the Penn State Football Season and would be prepared to enter year two. He said there would be discussions between the Highlands Civic Association and the residents who utilized the program to improve upon the first year of the pilot program. He added the Supply and Demand Study would assess the operational practices of downtown parking. He said at the end of the study the Parking Department would meet with internal and external stakeholders to strengthen current programs and consider implementing new programs.

Mr. Barlow commented there would be a big parking problem on the East side of town. Mr. Ward said 108 parking spaces were lost and staff was evaluating other private locations. He said there was a surface lot in the area with 66 spaces not at daily capacity. In addition, he noted there was a 50-space lot available at Lion Heart Fitness. Mr. Ward agreed with Mr. Barlow that area of town would be busier than before and event weekends would add to the congestion.

Mr. Lafer commented the Highlands Residential Parking Pilot Program was working well in terms of the original problem. She thought there was some confusion in what staff was saying and how the information was being interpreted. She said if people were using the streets to park instead of parking lots, they should pay as they would on campus. She added the object of the plan was to make it possible for residents not to pay a lot because they already pay taxes. She said things got pushed together and based on problems with people parking and paying for registrations, it clearly seems like the Borough was making more money on the residents.

Mr. Murphy asked if Mr. Ward could put a revenue number on the Highlands Parking Pilot Program. Mr. Ward said residential permits costs on event weekends were $10 per day per vehicle. He said 110 permits over all event weekends thus far had been sold which totaled $1,100. He said revenue from citations had increased with the program. Mr. Murphy asked if the revenue increase was included in the 2020 figures and Mr. Ward answered it was. Mr. Fountaine pointed out fine revenue was not generally viewed as the goal of revenue, but simply an estimate. He said the purpose of fines was not to generate revenue, but to get compliance.

Mr. Brown asked if the life expectancy of the Pugh Street Garage had been increased? Mr. Ward answered yes, and the life expectancy was now 10 to 15 years. He said there was design work in the budget and the life expectancy would be updated later in 2020.

Ms. Miller asked where the revenue from fines went to. Mr. Ward answered it went to the General Fund. She asked if the parking enforcement officers had incentives to write more tickets? Mr. Ward said they did not.

Neighborhood and Community Services

Mr. King gave the report for the Neighborhood and Community Services Division. He explained the three primary functions of the division which were Ordinance Enforcement, Public Health and Community Engagement. He gave a summary of the operating costs which were down $11,000 from the 2019 budget. He said the amounts of fees and fines had remained the same for 2020. He noted the 2020 budgeted expenditure for Neighborhood and Community Services (NCS) was down 1.8% from 2019.
budgeted expenditures. He said staffing levels in the NCS Division had stayed the same as 2019. He explained the Community Engagement portion of the 2020 NCS budget increased by 13.9% from 2019 with most of the increase due to the 2020 National Citizen Survey and Bang the Table software subscription.

Mr. King reviewed the mission of the Ordinance Enforcement and Public Health Department along with the key priorities and how they related to Council’s goals.

Mr. King outlined the duties of the Public Health Department and the key priorities including food establishment inspections, safe food handling education and disease control. He said in early 2020 the plan was for a full food and restaurant inspection report to be online for the public by the end of the first quarter.

Mr. King said the Community Engagement Department’s mission was to foster safe, diverse and vibrant neighborhoods and strengthen a sense of community for all residents. He said the 2020 Budget for the department was $247,449. He noted the amount funded one full-time manager and part-time assistant. He said the two major events for 2020 would be Census 2020 – Complete Count Committee and LION Bash and related LION activities.

Mr. Barlow asked why there was a decrease in the amount funded for personnel? Mr. King explained with the change in staffing due to the retirement of a veteran employee and the requirement of health insurance, the difference could be due to those factors.

Ms. Dauler stated she saw an ordinance enforcement officer in the neighborhoods on the weekend which was reassuring to the people in the community. Mr. King said there was a staff member covering every weekend.

Mr. Myers reviewed the remainder of the 2020 Budget calendar and pointed out the November 19 meeting had been cancelled. Mr. Myers reminded Council there would be a special meeting on October 30 to discuss potential guidelines for appointing a new mayor.

Mr. Fountaine said, since it was raised during public hour, the mayoral salary was $13,000 per year.

Adjournment

There being no additional business to discuss, the meeting adjourned at 6:40 p.m.

Respectfully submitted,

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Sharon K. Ergler
Assistant Borough Secretary

Prepared by: Stacy E. Hall, Administrative Assistant
Meeting Minutes  
State College Borough Council  
Special Meeting  
October 30, 2019

The State College Borough Council met in a special meeting on October 30, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Council President Myers called the meeting to order at 12:01 p.m.

Present:  
Evan Myers, Council President  
Jesse L. Barlow  
David J. Brown  
Catherine G. Dauler  
Janet P. Engeman  
Theresa D. Lafer  
Dan Murphy

Absent:  
Donald M. Hahn, Mayor

Also present:  
Thomas J. Fountaine, II, Borough Manager; Terry W. Williams, Borough Solicitor; Douglas Shontz, Communications Specialist; Sharon K. Ergler, Assistant Borough Secretary; Deanna Behring, Council Elect; Craig Bowser, IT Manager; interested residents and members of the media.

Mr. Myers announced that the Centre Daily Times, the local newspaper, defectively published the legal notice for the special meeting. As a result, due to PA Open Meetings Laws, no vote can be taken at this meeting. Since the meeting was previously announced, Council will listen to all comments and official action will be taken at a subsequent meeting.

Public Hour – Hearing of Citizens

There was no one in the audience who wished to speak about a matter that was not on the agenda.

Guidelines for Interim Mayor

Mr. Myers explained that part of the problem was that the newspapers advertising department was no longer local, thereby making it more difficult to get advertisements/legal notices published in a timely manner. It was unfortunate that the newspaper messed up the information that we had sent to them.

He stated that the State Legislature mandates how the Borough must advertise its meeting. There was a protocol that special meetings must be advertised a minimum of 24 hours in advance of the meeting. He said it was time for the legislators to enter the modern era and allow municipalities to advertise their meetings online since many local communities no longer have local newspapers. The PA Sunshine Law dictates how local communities run their business which was antiquated and outdated. As a result, Mr. Myers said Council could not take a vote at the meeting but could only listen to those who wished to speak. He added if Council wanted to vote on the guidelines, their next regularly scheduled meeting was November 8.

Mr. Murphy thanked Mr. Myers for the explanation as to why Council was unable to act at the meeting. He also thanked those in the audience who took time out of their busy days, fed a meter or came to the meeting instead of going to lunch for the important conversation.

Mr. Murphy raised a concern about one of the guidelines that was previously presented, specifically, the one about not being an active employee of the University. He said that guideline concerned him deeply. He commented that particular guideline should be stricken and excluded from the process. He said that proved to be a great example of why people needed to serve in that roll. He said anyone who worked anywhere had an independent judgement. He said from speaking with others, he knew he was not alone in that belief. He said that was the basis for his informed foundation for his service as a Council member. He said that guideline was disrespectful, showed the lack of integrity and created far more concern in people’s elected leaders. He said the irony of the debate was that people must be able to serve all who
call State College home. Mr. Murphy said he was mostly concerned about the outcome, especially those people of color. State College needed to continue to have important, difficult and needed conversations. Those conversations should start with the elected leaders. There are and will continue to be consequences in the community. The guidelines set the tone that not everyone was welcome in State College. The proposed guidelines dangerously set limits to the potential candidates. The way the guidelines were worded, the candidates would be all white, much like those who serve as members of the local Authorities, Boards and Commissions. In closing, he said he strongly urged Ms. Dauler to withdraw the proposed guidelines she previously presented.

Ms. Lafer said there was a big difference between guidelines and requirements. She said Ms. Dauler was not the only person who said yes to the guidelines. She said there was nothing in the guidelines that said she personally would prefer to not have a Penn State employee, who was in a leadership role, not be the next Mayor now. She said if there was a person of color who understood budgets, the time commitment and the other things that go on in Council and local government, she would strongly urge them to apply. She added that the guidelines were merely a list of possibilities. She commented that the guidelines could be used as a way of sorting through the list of candidates not choosing one. She said whether Council liked it or not, the university had some pretty big plans and was open the ground to build whatever it wanted, one of which opened into one of the State College neighborhoods. Cars will be spewing out into the Holmes-Foster neighborhood and will be creating a bottleneck onto College Avenue. If the person that had knowledge of that project sat in the Mayor’s chair and went to meetings as a representative of the Borough, which side was he/she going to choose or would him/her recuse him/herself. She said it was not that she did not like administrators, and it was not us or them or black or white, these were presently as proposed guidelines not laws or an ordinance. These guidelines were not carved in stone. She said if she wanted the man or woman Council chose to be interested in the entire State College community and be free to make their own decision(s). She said she personally had bent over backwards to get a student representative to Council and thought Council’s appointment of a black woman in that role was progressive. She noted that the outgoing Mayor was a person of color. She said perhaps the incoming would be also. She said giving an incumbent a step up to run for the Mayor’s position in two years was big. She did not want to have the interim Mayor use his/her role as a stepping-stone or have a leg up over others who run for the office. She said a moment of outrage undermines us as a community, our search for equity and equality and fairness in elections.

Mr. Barlow said as a Penn State employee he did not like that clause. He said the candidates will understand what the Mayor does, and the proposed guidelines were unnecessary. He did not like Council members being contentious with one another. He said each member of Council was there for a reason and each one was elected to exercise her/her judgment. He said he understood the issues well enough without any guidelines, and as grown ups these were not necessary. He said the Borough did not need the guidelines year ago when Felicia Lewis was appointed as interim Mayor, nor did Ferguson Township need guidelines when they needed to replace three of their Township Supervisors. He said he shared Mr. Murphy’s view on the matter.

Mr. Myers mentioned that Mayor Hahn had written a letter to Council member this past Monday on the matter at hand. He said the letter would be made available on the Borough’s website and copies were being made available to the audience shortly.

Ms. Engeman said the handout Ms. Dauler prepared and handed out at the last meeting were guidelines, not rules. It was meant to simply be the framework of what Council was looking for in its next Mayor.

Ms. Dauler reiterated that this was merely a list of guidelines and it was not something engraved in stone but merely some suggestions. She was hopeful Council could discuss what should be included that would give guidance to anyone who wanted to run for the two-year position. Ms. Dauler said someone had asked her if she had intended to apply for the position. She stated she would not be a candidate for the position. Her daughter was getting married in the spring and she would be enjoying the fun of planning the wedding. She said although it was not unreasonable to think that someone would have experience in conducting a public hearing, but it would certainly be helpful if someone had knowledge of Roberts Rules of Order. Whomever was selected would need to hit the ground running because there was no time for a learning curve and there were a lot of demands of the Mayor. Ms. Dauler said she was
Mr. Brown said he personally believed that most of the list were descriptively wise guidelines. He said he was on the side of favoring not having a full-time active PSU employee, but he was not testing the integrity of anybody. He questioned how a full-time active-exempt staff/administrator at Penn State would have enough time to devote time to the mayoral job. He commented that someone could have a serious problem with energy, time and availability to take on another full-time position. He stated he would like to see someone who had local government experience but defined in a broader way. He said there were several people that he knew of that served on the various ABC’s or participated in other public services, that could create a large pool of which Council could draw from. He said he was more concerned about the inflammatory accusations of making it look bias or a racial thing. He said he would be comfortable to move the guidelines along. He added that he personally had not ruled out applying for the position. He said he might consider running just to make the election more interesting. He said he personally thought he would make a pretty good mayor for the interim. He said the interim position was for 2 years and it should not become a springboard to candidacy to the next election.

Ms. Miller, the Student Representative, said she found it to be incredibly offense that her being a female person of color had anything to do with the Borough diversity initiatives. She commented that the argument that she was there, and the Borough was not discriminating was frustrating. She said although she could not vote on the guidelines, she found them to be biased. She noted although the guidelines were not cast in stone, it was what you envisioned in the back of your mind and what was wanted in a person to serve as the interim Mayor. She encouraged Council members to step outside their shoes and see how she saw things because the options were slim for people like her. She asked that she not be referred to as the first person of color in the student representative position. She added that Council members thought they were progressive thinkers; however, they were not, which was extremely frustrating to hear.

Mr. Myers said some people have commented that the discussion on the guidelines might be considered inflammatory; however, that was open to interpretation. He said if someone looked through each of the proposed guidelines, all different things were prescribed. All the guidelines were restrictive in some way. No one should be barred from applying just because who they worked for or had they earned their money. He added that discrimination was not something to be made a joke of. He commented that the “so called” guidelines were merely being suggested. Each member of Council could vote as they saw fit, which would result in a Mayor that would best serve State College. Mr. Myers reminded everyone that the only qualifications for Mayor were the one outlined in the Home Rule Charter.

Mr. Barlow said he had an issue with the guideline that said the position was for two years and was nonrenewable. He said someone could be elected as the interim Mayor and had no intention of running for the office in two years but found out he/her liked the role and decided to throw their hat into the ring for election in two years. If someone was asked that question today, would you want them to lie to you. He thought that guideline should also be removed.

Mr. Murphy said as someone who had lived in the closet for the last 20 years, dog whistles, much like the guidelines, were quite alarming. He stated the guidelines were undermining the community and what State College stood for.

Ms. Dauler said she thought the reason Council was working hard to have an open process for the position was so that the public would not feel that a decision was made in anyway by a private agreement. When Council voted on the interim Mayor in the past, that person filled the position for just under 3 months. That election was very different in so many ways because there was no public discussion but just a vote after people had endorsed various candidates. She said she personally wanted to applaud our Council President that urged for such an open process.

Kelsey Denney, President of the Penn State College of Democrats, said in her roll she oversaw the finances for over 40 states. She said hearing Council members talk about the Student Representative
position as a bargaining chip was offensive. She said let’s be clear that these guidelines were not about a time commitment. These guidelines were to deter Penn State students and faculty from serving as State College’s next Mayor. She added that it was important for the next Mayor to be engaged with students and actively involved in the Penn State Community. She said almost everyone had another job or other duties they were responsible for. She said she would like to see the Mayor’s role reimaged. As it current existed, the role was detrimental to communities of color across the state. She threatened if Council members were not willing to change, students would vote to unseat Council members in the next election because of their outdated opinions.

Jake Griggs, 255 East Beaver Avenue, Apartment 311, said he personally disagreed with the guidelines. He commented that he supported the Mayor’s letter and what Mr. Myers had said. He added that the public trusts Council to make the right decision. The Borough’s Home Rule Charter outlined the guidelines Council needed to follow when selecting its next Mayor. He said the guidelines were not needed.

Deanna Behring, 413 Ridge Avenue, started out by thanking Mayor Hahn for his service; however, it was sad that he was leaving State College with a difficult decision. She said the proposed guidelines created some unintended consequences and were precedent setting. She said those guidelines would live on long after the interim Mayor appointment was made. She urged Council members to think about those consequences. She said she would like to see State College’s next Mayor as someone who was skilled at partnership building, someone who had diversity in thought, creativity in thought and someone who wanted to create the future of State College that we all wanted to see and were working towards.

Freddie Purnell, 320 East Nittany Apartments, Apartment 3B, said people were coming forward to point out things that Council members did not see for themselves. The proposed guidelines and the conversation affected the student body. He said students want to see diverse cultural identities. He said Council needed to listen. The student body knows what is best for our community. Students know what can and what cannot be a qualification. What Council members had described so far was that they were looking for a white person to resume the role of the next Mayor. That decision discourages everyone involved with the student body from better position in the State College community.

Jordan, who did not provide his last name, said he lived at 244 East Nittany Avenue and said he took a quiz in college and it determined that he was a good communicator. He said there was a right way and a wrong way to talk to each other and how others talked about you. He said those guidelines did not have to be there unless Council voted for them. He said why create guidelines if this was not something Council members were interested in following. He said so far Council had already spent an hour of their time discussing something they did not wish to follow. He urged Council to abolish the guidelines with integrity. He said Penn State was what made State College so great. He said guidelines, such as those proposed, divided the townies and Penn State students. He commented that Council was perceived as a group of individuals who did not like students. He said how would the student body know if Council and/or the Borough liked them. The process was very confusing. He also noted that several Council members had terrible body language, like rolling their eyes or putting their heads down when being spoken to. He added that things like that created opportunities to ruin the town and that was what makes democracy fail. He urged Council to abolish the guidelines.

Lexi Clavacle, 619 West College Avenue, said she did not appreciate the body language she was seeing as she came up to the podium to speak. She stated it was discriminatory and Council needed to recognize and change it. She said although it may not have been your intention, she urged Council to not let it be valid. She urged Council members to listen to what the students were saying. She said Council needed to take it all in and to do better. She said without Dan Murphy students would not have known about these discriminatory guidelines. She said Council was being accusatory and Council needed to be held accountable.

Alex Woodruff, 412 West College Avenue and a member of Penn State’s Science Club, said he was there to formally condemn the comments Ms. Lafer made. She said her remarks were uncalled for and should not have been said. The comments were used as a token for her political gain and was not an
acceptable action today. Mr. Woodruff said if someone had no affiliation with Penn State, how would Council expect the new Mayor to be involved in student engagements, the proposed guidelines would eliminate that. He questioned what State College would be without the university or its students. He said students were paying attention, watching and listening.

Tyler Acre, 255 East Beaver Avenue, said he strongly disagreed with the guidelines, especially the one regarding Penn State employees. He commented that he agreed with Mayor Hahn’s letter that urged Council to not adopt the guidelines. He added that as a body, Council should not impose any personal beliefs on the new Mayor. Council should try to pick the best candidate who was qualified for the position.

Vicki Fong, 793 West Hamilton Avenue, said she was a longtime resident of over 40 years and was a 30-year Penn State employee, who had volunteered and served on several ABC’s, as well as Penn State and community committees. He said the Council should want people to stay in State College and become involved. She admitted she was shocked when she heard about the guidelines. She said the proposed guidelines sent a message that if you did not meet the criteria in the guidelines, do not bother to apply. She recommended Council discard the guidelines and only use the few mandated qualifications that the Solicitor had previously shared with Council. She urged Council to keep the process as open as possible and to remain open to public input.

Jacob Clivestein, 141 South Garner Street, said whether a mayoral candidate runs for office in two years is up to the individual and whether he or she is elected in two years would a decision only the voters of State College could make. The term “active employee of Penn State” was very vague. He said he was working to pay for his student debt. He said all applicants should be considered with the same integrity.

Michael Black, 833 Thomas Street, said he had a different answer and a different approach. He thanked Council for having the courage to have the discussion. He also applauded the citizens who came to the Council meeting to let their voices be heard. He said he had been a resident of State College for the past 29 years. He commented that what had happened at the meeting was democracy and he said he appreciated hearing from students, nonstudents and all residents on the matter. He said when he chose to move into the Borough all those years ago, it had not been an easy path. In the process, he had gone to graduate school, got married, taught on campus, worked nationally and internationally. He added that his level of engagement had been in student government, local non-profits in the Borough, county and state. He said he tended to fall back on one strong principle, which was love. It was absent from our community. He urged everyone to take a quiet moment and think about something we appreciated each day. He commented that State College needed to be shaped as a community that was inclusive and full of love and respect. He added that the Mayor’s position was a difficult job. He said there needed to be more dialog like what occurred at this meeting.

Mr. Myers thanked everyone who spoke. He said it was not always easy to speak in the public. He said staff would be advertising another meeting and at that meeting Council could vote up or down on the guidelines on that date. He said Council would reconvene the following Friday.

Mr. Murphy said he appreciated the students voice and participation. He said it was important to build strong relationships with students, clergy, entrepreneurs, etc. He said he envisioned more opportunities for student engagement in the future as Council moved forward.

Mr. Fountaine said Council would meet on either November 6 or 7 and staff would send around a Doodle Poll to check everyone’s availability.

Mr. Myers said hearing no other business to discuss, he adjourned meeting at 1:47 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary
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The State College Borough Council met in a special meeting on Wednesday, November 6, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Council President Myers called the meeting to order at 12:01 p.m.

Present: Evan Myers, Council President  
Jesse L. Barlow  
David J. Brown  
Catherine G. Dauler  
Janet P. Engeman  
Theresa D. Lafer  
Dan Murphy

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Thomas R. King, Assistant Manager for Public Safety; Douglas Shontz, Communications Specialist; Craig Bowser, IT Manager; Kayla Irvin, Communications Intern; Sharon K. Ergler, Assistant Borough Secretary; members of the media and residents.

Public Hour

David Stone, East Foster Avenue and a member of the Nittany Valley Environmental Coalition, said published in the November 2 issue of the PA Bulletin was a 30-day comment period for Penn State’s downtown Combustion Turbine. He urged Council to go on record again requesting a public hearing during the 30-day comment period and to make an outline of their concerns. He said the combustion turbine affected the health of all students and the vitality of the downtown. He said three consultants provided proof that there was an issue with the plant. If Council did nothing, it was a missed opportunity to improve the situation. He urged Council to work with Penn State to create an innovative solution to get a higher stack that removed most of the impacts. He said he was willing to work with Council to put something together.

Guidelines for Interim Mayor

Mr. Myers announced that he had received a letter of resignation from Mayor Hahn with his resignation effective at 5 p.m. on Monday, December 16, 2019.

Mr. Myers said the County’s General Election was held yesterday and there were two Council Members Elect Deanna Behring and Peter Marshall, who will be included in all discussions about the interim Mayor but were unable to vote on his replacement.

Mr. Myers said he had received correspondence from the Borough Solicitor on the Mayor’s Qualifications, Conflict of Interest and Roberts Rules of Order and Vacancy Voting Procedures, which he read aloud for the audience to hear. He noted that the Solicitor’s opinion on the Guideline Proposal did not change the Home Rule Charter, nor did it change the qualifications listed in the Charter. Thus, the guidelines were nonbinding on individual Council members and Council members could vote for whomever they felt was best suited for the position.

Ms. Dauler said Council members had received a copy of a letter that was addressed to her from Mayor Hahn. She said she found the Mayor’s letter to be very helpful and she felt it was important for the public to hear what he had to say. She said a copy of the letter would be made available to the public on the Borough’s website and proceeded to read the letter out loud. She commented that Mayor Hahn was in favor of the principles behind the guidelines; however, he disagreed with some of the specifics. She said he fully supported 6 of the 9 guidelines, recommended an amendment to #7 and to discard #8 and #9.

Ms. Dauler said Mayor Hahn also recommended that the new Mayor be committed to environmental
protection and to diversity and inclusion, which agreed were important and suggested adding those two guidelines. She said she was grateful to Mayor Hahn for his support. She added that she brought the guidelines forward to promote discussion. It was not meant as a personal agenda on the process. In closing, she said it was important for the public to be aware of the communication from the Mayor along with her response.

Ms. Engeman said she tried to say at the last meeting that Ms. Dauler’s were just guidelines and her expectation was that Council would discuss them as a group; however, that never happened. She said it was not her intent, nor Ms. Dauler's intent, to say that Council needed to adopt the guidelines as rules.

Mr. Brown said upon reflecting on advice of many, he said he could not vote in favor of two of the guidelines, specifically the one about being a Penn State employee and the other about being a developer. He added that such exclusions did not seem wise, were discriminating and were not for the good of the Borough’s citizens. He said as presented, all the suggested guidelines were legitimately worthy of consideration and judgment. He said his biggest concern was whether a full-time employee anywhere could and must devote the time and energy needed to discharge the duties of Mayor. He commented that Ms. Dauler’s guidelines were just that. He was upset that the effort and progress had been hijacked and transformed into something ugly and nasty for a grandstanding opportunist. He added that the growing clapping and snapping was inappropriate.

Mr. Barlow disagreed and countered what Mr. Brown had said. He said he had been a very loud advocate against all the guidelines. He said as a 38-year Penn State employee, his reaction to conflict of interest was not evidenced based. In particular, he said he supported Mr. Stone’s request for a public hearing on the power plant. He added that the guidelines were discriminatory against Penn State employees, people of color, immigrants etc. He said there were and will continue to be several people who had served or who are serving on Council, Board of Supervisors, ABC’s who had made excellent contributions to local government in the area. Adding the commitment to support equity, inclusion and environmental concerns would be a major step forward.

Mr. Myers said he wished to clear up something that was confusing. He questioned whether Council wanted to vote on the guidelines. He said he thought Council’s intention was that it wanted to vote on the guidelines, hence, why a voting meeting was scheduled. He stated the Home Rule Charter had one criterion, which was the candidate must be an eligible voter in the State College Borough, period. Any added guidelines did not fit that role. He said the Borough Solicitor had already given his opinion on what rule Council needed to follow in filling the interim Mayor position. He said did Council and staff not learn anything from the March 20 shooting because groups and individuals felt marginalized. Mr. Myers said he also had been outspoken about Penn State’s power plant and its dangers. He said normal people get to decide these matters by voting. Council must choose the best candidate for the position. Council can ask any questions they want. He said he was going to let his conscience be his guide.

Ms. Miller, the student representative, said it was disheartening that the letter Mayor Hahn wrote to Ms. Dauler at 3 a.m. was just being distributed to the public. The Borough had all day to get it out. She said she felt ambushed.

Deanna Behring, Council Member Elect, said she wanted to take a moment to touch on the dismay and disappointment. She stated she was saddened by Mr. Brown aggressive comments, especially from someone who was a neighbor and a colleague. She added that she was also dismayed by the process of where we were today. She added that Council made the conversation more difficult. She urged Council to continue to put value on creativity, inclusion and attitude that was inclusive. She hoped Council would become more skilled at partnership building in the creative ways that State College needed.

Mr. Myers said according to the law, all the deliberations must be made in the public. Council may not have any private discussions and/or deliberations. He added this was the reason Council was doing this legally in public. Although the exchanges may seem harsh, it was important that the information be shared publicly so that everyone understood the deliberations.

Ms. Engeman said Ms. Dauler wanted Council members to have this list of guidelines as food for thought and not a list of requirements. She added that the list could become questions Council members would
like to ask the candidates. She said she never saw the guidelines as something Council was asked to vote on. She said she and others were blindsided by Mr. Murphy.

Ms. Lafer said she also felt blindsided. She said when an interim Mayor was chosen before, it was a sad occasion because State College had lost its beloved Mayor who was due to be reelected. The process in selecting an interim Mayor, at that time, ran very smoothly. Council had asked for nominations. She said everyone had until 5 p.m. to get their applications submitted if they were interested in becoming the interim Mayor. She said in filling the position, everyone was looking for ways to help define what State College as a community needed. The Borough needed a ceremonial head and someone who could speak with everyone in the community. Council was looking for someone who would continue to be active in the community, as well as in Harrisburg, Washington, D.C. She said they received a two-page letter from the University President telling Council they should not be setting a guideline to discriminate against Penn State employees, she said she had no problem with non-staff exempt but did not want a Penn State employee who was a decision maker as our next Mayor. She said she did not appreciate a Council member reaching out to the University President seeking his input on a Borough matter. She said people had personalized the guidelines in ways she found to be antipolitical, anti-equality and very small minded. She commented that people stood up at last week’s Council meeting and Council members. A Council meeting was not meant to be a comedy club. The matter at hand is and was serious business. She said she knew of some nice comedians for people to enjoy but a Council meeting was not one of them. The public behavior was inappropriate and unacceptable. All those that felt they were turned into a victim should be ashamed of themselves.

Mr. Barlow made a motion to table the proposed guidelines. Mr. Murphy seconded the motion.

Mr. Williams said there was a motion on the table, which had been moved and seconded and was not debatable. He added until a motion of Council was made to move it off the table and moved back on the table for a majority vote. Mr. Myers moved to place the proposed guidelines back on the table for a vote. Mr. Barlow seconded the motion. The motion to vote against the proposed guidelines passed 5-2 with Ms. Lafer and Mr. Brown voting against the motion.

Kristin O’Donnell, 164 East McCormick Avenue, said she was not there to speak about the substance of the guidelines but to urge Council to be considerate when people come before them to bring up issues or to comment on things Council members had said. She said instead of scolding or treating the speakers like children, Council members should take a second to listen what the speaker had to say instead of dismissing it out of hand. She encouraged Council members to engage in their criticisms and it would go a long way to better serving the community.

Jeff Hellfrich, 1036 Saxton Drive, said he believed there was no malice involved when Ms. Dauler created the guidelines. He added he thought they were proposed for the betterment of the community. He said as a constituent, he thanked all members of Council for the open discussion and for doing it the way it should be done, a civilized fashion in the public with public participation.

Peg with no last name given, 922 Hart Circle, urged Council to extend the deadline to apply since the guidelines were no longer an issue.

Dr. Amy Bader, 1180 South Allen Street, said as a Borough resident she was disappointed by the response of Council members but was encouraged by the open discussion. She said the lack of preparation and the thoughtfulness given to the guidelines spoke volumes. She said after watching the previous meeting on C-NET, she said Council’s defensiveness was startling. She said as a Council member if you don’t enjoy doing what you are doing; you should not be here. She said if Council members had a bruised ego, she was sorry for that. The remarks people made came from legitimate places. She said if Council felt the remarks were personal or inappropriate, Council needed diversity and/or inclusion training. Peter Buckland, a College Township resident, said he worked for Penn State and served on many elected and appointed positions on COG. He said he disagreed with something Mr. Brown had said. He commented that no state or municipality shall make or abridge the privileges of the U.S. Constitution by
depriving him of his life, liberty or property without due process of the law. He thanked Mr. Barlow for making a motion to table the guidelines.

Cindy Simmons, 280 South Osmond Street, said every nickel of taxes State College collected originated from Penn State. She said the interim Mayor position created an opportunity to bring in someone who would represent a group that did not have a voice. It may be someone who would not run for office because of the expense. She urged Council to look carefully at those who were not represented on Council already. Ms. Simmons said she moved to State College in 2011 and the two biggest problems with this highly functioning Borough was class and not being taken seriously. The other is and was race with the tragic shooting of a man known to be off his medications. State College had an opportunity to fix this. She urged Council to reconsider the suggestion that they would want an interim Mayor who would not want to run for the elected office when the interim Mayor’s term expires. She added that State College needed continuity. She also asked Council to consider extending the deadline for people to apply.

Ms. Lafer requested Council extend the time period to apply by 24-48 hours. Mr. Barlow seconded the motion.

Mr. Fountaine said since Borough offices were closed on Monday for Veteran’s Day, he suggested Council consider amending the motion to extend the deadline to midnight on Monday. Both Ms. Lafer and Mr. Barlow agreed with the amendment.

The amended motion passed unanimously.

There being no additional business to discuss, Ms. Lafer made a motion to adjourn the meeting at 1:24 p.m.

Respectfully submitted,

______________________________
Sharon K. Ergler
Assistant Borough Secretary
The State College Borough Council met in a regular meeting on Friday, November 8, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Council President Myers called the meeting to order at 12:03 p.m.

Present: Evan Myers, President
Jesse L. Barlow
David J. Brown
Catherine G. Dauler
Janet P. Engeman
Theresa D. Lafer
Dan Murphy

Absent: Donald M. Hahn, Mayor

Also present: Thomas J. Fountaine, II, Borough Manager; Dwight Miller, Finance Director; Thomas R. King, Assistant Borough Manager for Public Safety; Craig Bowser, IT Manager; Genevievre Miller, Student Representative; Sharon K. Ergler, Assistant Borough Secretary; Douglas Shontz, Communications Specialist; Kayla Irvin, Communications Intern; Roger A. Dunlap, Assistant Borough Manager/Chief Financial Officer; Jacqui Fuge, Tax Services Director; Edward C. Holmes, Purchasing/Risk Management Director; Leann Shaw, Human Resources Director; Ed LeClear, Planning/CDBG Director; Maureen Safko, Senior Planner; Greg Garthe, Zoning Officer/Planner; John Wilson, Zoning Officer; residents and members of the media.

Public Hour

There was no one in the audience that wished to speak during the public hour.

2020 Operating Budget

Mr. Fountaine said staff would continue its review and discussion of the 2020 Operating Budget. The focus for review at the meeting was the following:

Regional Programs

Mr. Fountaine said the Regional Programs portion of the 2020 Budget contained a 9.3% or $161,127 increase. He noted that COG Executive Director Jim Steff and COG Finance Director Joe Viglione were present to answer any questions Council had. Mr. Steff said that percentage had been reduced to $7.13 or an increase of $122,000.

Mr. Steff said in preparing COG’s 2020 Budget, the departments were asked to identify what they needed now and what they wanted. He said he realized there would be significant pressure for all the municipalities as the Centre Region continued to grow. He commented that the Centre Region Parks and Recreation (CRPR) cut back the irrigation system at the Whitehall Park.

Mr. Barlow said to clarify, the increases requested were substantial. He asked how likely the Borough would see similar increases a year from now.

Mr. Steff commented that some of the expenses included in this year’s budget were one-time expenses. For example, $50,000 was being requested for a Fire Study, which was the purpose of studying and identifying a model for how the community would get fire service in the years ahead. There was a line item for separation pay for his position since he was retiring in April 2020. Another large increase was for the Park Caretakers. Two were hired in 2019 and the other one was proposed to be hired in 2020.
Mr. Brown questioned the need for so many park caretakers. Mr. Steff said the CRPR was responsible for taking care of 54 facilities. The new person hired in 2020 would likely be the person responsible for the Whitehall Road Regional Park; however, during the summer months, there could be a need for someone to be stationed at both Tudek and Spring Creek Parks. The caretakers were trained in the use of safety and equipment. They were often called upon to assist with duties at the other park facilities.

Mr. Fountaine said staff would adjust the Regional Programs Budget before the final budget was presented to Council for adoption.

Mr. Fountaine said a CATA representative attended a meeting a month or so ago and he asked if Council members had any questions about CATA’s request.

Ms. Lafer said she was assuming the decrease for CATA had to do with where people lived and what buses they used. Mr. Fountaine said the criteria was the mileage, roads and the number of people. As a result, the Borough’s portion of the CATA had decreased.

Ms. Kimberly Fragola, CATA’s General Manager, said the Borough’s piece of the pie went down by 14%.

Mr. Brown asked if CATA provided bus passes to senior citizens who rode the buses. Ms. Fragola said CATA did not provide free bus passes but commented that some financial assistance was provided for by the PA Lottery. Mr. Brown asked if CATA knew what that was worth. Ms. Fragola said she needed to calculate that amount and get back to Council.

Mr. Fountaine said that Frank Savino, the Executive Director for 4thFest, attended a previous meeting requesting additional funding in 2020.

Ms. Dauler asked what 4thFest was going to use the increase for. Mr. Savino said the amount would cover increased security costs.

Mr. Fountaine also explained that Miscellaneous Programs Budget was up because staff had shifted the allocations of community grants. All grants were moved there in 2020. He said the estimate for 2020 was $1.1 million, similar to 2017 and 2018. A new request in the amount of $2,300, included in 2020, was for the Campus Weather Service’s program.

Mr. Steff thanked Borough Council for all of the work it had put into COG. The COG organization would not be as successful without the help of the neighboring municipalities. He added that the Borough was essential to the success of intergovernmental cooperation.

Mr. Myers expressed his appreciation for Mr. Steff’s leadership over the decades. He said his hard work was very much appreciated.

Mr. Steff said in the early years, Borough Council was the reason COG existed. Several years ago, the Borough paid 43% of the total COG Budget.

Details on Receipts

Mr. Miller provided an overview of the Detail on Receipts, which included $1.3 million in Real Estate Transfer Taxes. He noted that State Aid showed a slight decrease for next year. Pension State Aid comes in and goes right back out.

Mr. Murphy had a question about meter collections and rentals. Mr. Miller said that line item did not include any proposals.

Mr. Brown asked about the Real Estate Transfer Tax. Mr. Miller said that number jumped because a large number of properties changed hands in 2019. The Borough received a 1.5% increase in sales tax.
Administration

Mr. Miller said there was an increase in personnel costs by $111,000 for adjustments made for staffing changes during the year, which included costs for fringe benefits and health care costs.

Mr. Fountaine said a significant portion was caught up in personnel, or approximately 70-80%. The Administration budget also included the Communications Specialist and the Communications Intern and some of her time was allocated in the Police Department.

Mr. Fountaine pointed out other Administration expenditures included funding for an Inclusion and Diversity Plan, Recodification and Technical Corrections, and Records Management.

Mr. Fountaine reviewed 2020 Administration Department objectives which included the Strategic Plan implementation, a commitment to Diversity and Inclusion in developing a Race Equity Plan and also an economic development partnership by continuing to support entrepreneurship and other job creation strategies that would improve opportunities to retain graduates in State College. Regarding alternative revenue sources, Mr. Fountaine said staff would work with community partners, municipal partners, state associations and others to obtain legislative authority for expanded revenue.

Mr. Fountaine said the State College Borough Website would be upgraded from CivicEngage, Content Management System (CMS), to Engage 6, Headless Content Management System (HCMS) from CivicPlus. He added the update would improve the usability of the website from both staff and the public. He said Communications Staff would be working on increasing the subscribers and outreach of the quarterly digital newsletter in 2020.

Mr. Fountaine reported that Human Resources Staff performed an analysis of the Authorities, Boards, Committees and Commissions (ABC) memberships and developed a marketing strategy to diversify the members of the various ABC’s. He said they also explored barriers to participation including meeting times and length of terms. He added the 2020 Pay Plan would be updated based on the 2019 Market Salary Study.

Regarding Purchasing and Risk Management, Mr. Fountaine outlined the fixed asset listing review and update, the implementation of the Penn PRIME Accident and Illness Prevention Program, the Employee Health and Safety Incentive Program and the Inventory Management and Control Improvement Plan. Mr. Fountaine thanked Ms. Shaw, Mr. Shontz and Mr. Holmes for their part in the above programs. Ms. Lafer thanked Mr. Shontz for keeping the Borough up to date with modern technology within the community large and small. Mr. Shontz commented all information would be 100% accessible when the new State College Borough Website was launched, and it would be available in multiple different languages.

Finance Department

Mr. Miller reviewed the organizational chart for the Finance Department. He informed Council revenues increased by 3.2% and expenditures were expected to decrease which was in part due to health insurance costs for staff decreasing. He explained one item that was new in the 2020 Budget was a program entitled Synopsis for Local Governments which was an online financial monitoring tool for long range planning for the Borough. Mr. Miller reviewed the Financial Department objectives which included assisting with the Enterprise Resource Planning (ERP) System and assisting other departments as it integrated into the Financial Department. He said the Finance Department’s goal was to provide timely and accurate financial information inside and outside the organization and make sure everyone had the financial information needed to make good prompt decisions. He said they would continue to strive to improve in data collection and reporting focusing on minute details in every transaction, so the big picture works out.
Tax Collection Services

Ms. Fuge reviewed the organizational chart for Tax Collection Services. She reviewed the revenues and expenses of the Department in detail and the primary functions which included collections of real estate tax, local tax and earned income tax. She went over the facts and figures for the Homestead Exclusion Tax as well as the collections and distributions of local taxes. Ms. Fuge reviewed the primary functions of the Centre Tax Agency which included collection services for earned income and net profit taxes, handling distributions from other tax collection districts and distributing earned income taxes. She added a detailed reconciliation was done at the end of each year.

Information Technology

Mr. Bowser reported the Information Technology (IT) Department recently added a GIS Analyst position and was hopeful the position would be filled by the beginning of 2020. He added revenue had been down from previous years as in the past staff provided services to CATA, but they longer purchase these services. He said his staff spent a lot of time warding off hackers.

Mr. Brown commended the IT Department on the defensive measures against threats and asked if any attempted threats had happened? Mr. Bowser answered there were threats every day mostly through e-mail. He said staff received mandatory training via videos and simulated bad e-mails were sent to employees by the IT department to determine which staff needed more training. He said training was ongoing because the attackers were very sophisticated. Mr. Fountaine said additional training could be provided to Council. He said systems were being designed to catch hackers and added the best thing to do was if staff received something that did not seem right, call IT first and don't open any attachments.

Debt Service, Pension, Insurance Reserve

Mr. Miller reviewed Debt Service, Pension and Insurance Reserve figures in detail. He said changes in the Pension Fund were due to changes in the mortality tables.

Mr. Brown asked if the amount spent in refinancing saved us any money in the long run? Mr. Miller answered the savings were based on assumptions and he would not recommend refinancing unless the Borough would gain at least a 3% increase over time.

Planning

Mr. LeClear reviewed the divisions of the department which included Housing and Community Development, Redevelopment and Planning and Zoning. He talked about the key planning responsibilities of the department in detail. He said the 2020 revenue was predicted to be much the same as 2019. He pointed out one item adding to the revenue would be from fees associated with short term rental licenses to pay for monitoring services. He said revenue was down from Redevelopment Authority due to staffing vacancies and a reduction in the staff support needed for the Neighborhood Sustainability Program. Mr. LeClear outlined the expenditures stating 2020 budgeted expenditures were down a total of $30,883 or 2.7% from 2019. He pointed out that the Senior Planner position was still vacant and operating expenses were stable from 2019. He reviewed the Planning Department priorities for 2020 which included a comprehensive Zoning Ordinance update, a Neighborhood Plan Implementation and Affordable Housing and the Downtown Plan implementation. He said other priorities included the implementation of short-term rental licensing, GIS expansion and enterprise system integration and the development of two new certified redevelopment areas and preparing for future P3 projects. Mr. LeClear discussed the Redevelopment Authority revenue in detail. Regarding Bellaire Court, Mr. LeClear discussed the key administrative responsibilities of the Planning Department which included lease and tenant management, income certification and maintaining the waiting list. He said the Department also provided maintenance, snow and on-call duties provided by the Public Works Department. He added property inspections were taken care of by the Department as well as police coverage including weekend
and evening calls. Mr. LeClear outlined the revenues and expenses associated with Bellaire Court in detail.

Ms. Dauler left the meeting at 1:30 p.m.

Ms. Lafer commented Bellaire Court was very well taken care of and housed some of the neediest in the community. She commended the Planning Department for doing so well with a shortage of staff and hoped the vacancies could be filled in the coming year.

Mr. Myers reminded Council on November 12 there would be a wrap-up budget review presented. He also said more discussion was needed on how Council was going to work through reviewing applications for the interim Mayor position and adding more meetings could be necessary.

Mr. Fountaine said there was a meeting on November 18 that was not on the handout provided to Council.

Mr. Brown commented he was very grateful for the skills and competency of Borough staff. He said he thought the budget process to be very meaningful and useful.

There being no additional business to discuss, Mr. Barlow made a motion to adjourn the meeting at 1:42 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary
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The State College Borough Council met in a work session meeting on Tuesday, November 12, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Evan Myers called the meeting to order at 6:03 p.m.

**Present:**
- Evan Myers, Council President
- David J. Brown
- Catherine G. Dauler
- Janet Engeman

**Absent:**
- Donald M. Hahn, Mayor
- Jesse L. Barlow
- Theresa D. Lafer
- Dan Murphy

**Also Present:**
- Thomas J. Fountaine, II, Borough Manager; Dwight Miller, Finance Director; Craig Bowser, Information Technology Manager; Roger A. Dunlap, Assistant Borough Manager/Chief Financial Officer; Thomas R. King, Assistant Borough Manager for Public Safety; Deborah A.S. Hoag, Director of Public Works; Ed LeClear, Director of Planning; Genevievre Miller, Student Representative; Douglas Shontz, Communications Specialist; Kayla Irvin, Communications Assistant; Tom Brown, Facilities Manager; Ray Sassaman, Assistant Borough Engineer; Stacy E. Hall, Administrative Assistant; Borough residents and members of the media.

**Public Hour – Hearing of Citizens**
No one spoke during the Public Hour.

**2020 Operating Budget**

Mr. Fountaine announced staff would continue their discussion of the 2020 Operating Budget.

**Capital Improvements**

Ms. Hoag presented the Capital Improvements Plan (CIP) overview. She said the 2020-2024 CIP included items of $100,000 or higher and an estimated life of six years or longer. She added once a project was approved for inclusion in the CIP, it was considered for funding during development of the budget, subject to the availability of funds. Ms. Hoag reviewed the 2020 Capital Fund Projects

Mr. Myers commented he was pleased to see the Action Sports Park had money allocated from various sources. Mr. Brown asked where the money was coming from? Mr. Fountaine said the Action Sports Park Project relied on donations and other fund raising for the construction. Ms. Engeman asked what items were in the Downtown Infrastructure improvements? Mr. Fountaine said they were items that had been in the plan for several years and primarily included Allen Street and its intersection at College Avenue. He said there was a major streetscape project to replace sidewalks and make it easier to manage special events. He added 2020 would be the design phase of the changes. Ms. Dauler asked if the projects under Park Land Restoration were long standing? Mr. Sam said a majority of the funds would be allotted to Walnut Springs Park.

**Public Works**

Ms. Hoag reviewed the mission of the Public Works Administration Division stating it was to administer the activities of the various divisions of the Department in a cost-effective manner and provide engineering and technical support services to all departments of the Borough. She said the objectives were to maintain the Municipal Separate Storm Sewer System (MS4), develop project management
Mr. Brown asked if the absence of the Borough Engineer had an impact in the budget? Mr. Fountaine answered that it did not, and the position would be filled in 2020.

Ms. Hoag reviewed the mission of the Public Works Streets Division stating it was to maintain the Borough's infrastructure including streets, storm sewers, street lighting, signs and traffic signals in a manner which addressed public need, safety and welfare for all modes of transportation. She said the objectives were infrastructure improvements, asset management and financial management improvements and snow removal optimization. She reviewed the capital, operating and personnel expenses of the Streets Division. Mr. Myers asked if O’Bryan Lane was going to get paved? Ms. Hoag said O’Bryan Lane and Oneida Street were on the paving list for 2020. Mr. Brown asked if funding for the streets was behind? Mr. Fountaine said the Budget had a recommendation for additional tax millage to build back towards a more fully funded capital budget in order to maintain the infrastructure. Mr. Brown noted damage had been done in West College Heights where Glenn O. Hawbaker Inc. made a turnaround for their dump trucks and asked if they would be co-responsible financially for restoration of the streets? Mr. Fountaine said the Borough would work with PennDOT regarding that. Ms. Hoag added West College Heights streets were reviewed in 2017 and would be looked at again in Spring 2020 and staff would look at the level of degradation. She said there was a meeting soon with Glenn O. Hawbaker Inc. and PennDOT and she would bring the issue up.

Ms. Hoag reviewed the Public Works Trees/Parks Division stating it was to maintain a safe, healthy urban forest, including trees and shrubs along rights-of-way, in parks, parking lots and other municipal property. The Division also strived to improve the aesthetic and environmental quality of the Borough through the installation and maintenance of rain gardens, landscaping and flowers on public lands. She said the objectives were tree maintenance, sidewalk protection, providing greater community opportunities and in landscape tree planting and maintenance in addition to obtaining additional grant funding.

Ms. Hoag reviewed the Bus Terminal, Compost Operations, Sanitary Sewer, Refuse Collection, Fleet Services and Highway Aid Funds outlining the revenues and expenses for each. She said the Bus Terminal Fund was owned by Penn State and leased to the Borough and staff performed custodial care and basic maintenance. Regarding Compost Operations, she said a major project in 2019 was expanding the compost pad and was the reason for the difference in expenses in 2020. Regarding the Sanitary Sewer Fund, Mr. Brown asked if the new high rises had meters on them? Ms. Hoag said no, and they would be billed based on water usage coming into the building. Mr. Myers asked what was the reason for the difference in expenses in the Highway Aid Fund? Ms. Hoag answered it was Liquid Fuel Funds to be used for road reconstruction in 2020.

Mr. Fountaine said the next step in the budget process would be the Public Hearing scheduled for December 2 and then Council had an opportunity on December 9 to continue to discuss and review comments and questions with final approval slated for December 16.

**Process for Selection of Interim Mayor**

Mr. Fountaine said Council received the list of individuals who expressed interest in becoming the interim Mayor, and Council should finalize the process for selecting the Mayor.

Mr. Myers said he received 13 applications from qualified people to become the Interim Mayor. He said it was impressive so many people were interested in serving State College as Mayor, and it was a testimony to the high level of civic engagement in the community. Mr. Myers read the names of the applicants.
Mr. Myers suggested each candidate be brought in to be interviewed by Council which could take several hours. He said another option, which would make it a meaningful process, would be each candidate give a presentation for five- or six-minutes answering questions from Council sent in advance. He suggested Council ask the Public to submit questions they would like to ask. Mr. Myers read a letter from the Borough Solicitor stating under Robert’s Rules of Order, voting would take place by having candidates nominated by Council Members, but the actual voting would take place in the order in which the candidates were nominated. Mr. Myers said he would get clarification on the process. Mr. Myers suggested a drawing to determine which Council Member would go first.

Ms. Dauler commented on an e-mail received from Vicki Fong, a Borough resident, recommending candidate interviews be publicized. Ms. Dauler said the entire process would be made public. Mr. Brown commented as voting gets closer, he hoped there was a mechanism preventing any vocal or audible campaigning for the candidates as that would be disruptive and distracting. He said he realized it would be hard to enforce but hoped it would be a respectful process. Mr. Myers said it would be discussed more at the November 18 meeting. Mr. Brown said it needed to be communicated that the criteria was the majority of Council present.

Mr. Shontz announced the list of Interim Mayor applicants would be posted online as well as their applications on November 13.

**Adjournment**

There being no additional business to discuss, the meeting adjourned at 6:47 p.m.

Respectfully submitted,

________________________________________

Sharon K. Ergler
Assistant Borough Secretary

Prepared by: Stacy E. Hall, Administrative Assistant
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The State College Borough Council met in a regular meeting on Monday, November 18, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Hahn called the meeting to order at 7:01 p.m.

Present: Donald C. Hahn, Mayor  
Evan Myers, Council President  
Jesse L. Barlow  
David J. Brown  
Catherine G. Dauler  
Janet P. Engeman  
Theresa D. Lafer  
Dan Murphy  

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Sharon K. Ergler, Assistant Borough Secretary; Douglas Shontz, Communications Specialist; Ed LeClear, Planning Director; John A. Gardner, Chief of Police; P. Rick Ward, Parking Manager; Deborah A.S. Hoag, Director of Public Works; Craig Bowser, Information Technology Officer; Thomas R. King, Assistant Borough Manager for Public Safety; Roger A. Dunlap, Assistant Borough Manager/Chief Financial Officer; Isabel Story, Planner; Greg Garthe, Planner/Zoning Officer; Deborah A.S. Hoag, Director of Public Works; Genevieve Miller, Student Representative to Council; Borough residents and members of the media.

**Special Business/Proclamation**

**Small Business Saturday**

Mayor Hahn presented a proclamation to Rob Schmidt, the Executive Director, from the Downtown State College Improvement District, declaring November 30, 2019, as Small Business Saturday and urged people to support local businesses by shopping local. Resident of the Borough.

Mr. Schmidt invited everyone to join them on Friday evening as they kick off the holiday season with the annual tree lighting ceremony beginning at 5:30 p.m.

**College of Engineering Master Plan**

Neil Sullivan, Campus Planner from the PSU Office of Physical Plant (OPP), presented an update on the development of the new College of Engineering Master Plan. The presentation included a review of priorities for new academic building construction on West Campus.

Mr. Myers questioned the height of the new buildings, Core 1 and Core 2. He stated the Zoning Ordinance only permitted 45’ at the street level and required an 18’ setback from the curb. Mr. Sullivan said the new buildings would comply with the required setbacks and would be no more than 5 to 6 stories. Mr. Myers also inquired how Penn State would determine who would be parking in the West Campus Parking Garage. Mr. Sullivan said each college was given an allocation of those spaces.

Ms. Engeman said the existing Hammond Building has been a barrier for blocks. She asked if there were steps leading up to the alumni garden and was there any handicapped accessibility into the gardens. Mr. Sullivan said there was a glass elevator in the lobby. Ms. Engeman said there was a lot of steps leading into the building, including a 15 to 20% grade difference.
Mr. Brown said the presentation slides seemed to reflect that the ingress and egress was still going to be one way in and out. He asked Mr. Sullivan if that was the model he was imagining. Mr. Sullivan commented that the university was continuing to meet with the community; however, the Traffic Impact Study had only one access point.

Mr. Barlow asked if traffic signals were permitted to better control traffic coming in and going out of the garage. Mr. Fountaine said traffic signals were permitted with PennDOT and that was something the Borough was working on.

Wesley Glebe, 115 North Butts Street, said he heard that Penn State was planning to put an electrical generator at the power plant and was concerned because the stacks were too short. He questioned why Penn State would not put in taller stacks. Mr. Sullivan said studies have shown that the emissions coming out of the stacks were borderline and if raised, emissions would be disbursed at a higher level and conflict with the taller buildings under construction. He pointed out that Penn State’s study was still ongoing.

Susan Venegoni, 232 West Fairmount Avenue asked what the lighting was proposed for the whole west end area because it bordered a lot of residential areas that were normally dead at night. She questioned the spill over of light from the new engineering buildings. Was there any danger being created to the people who lived there? Mr. Sullivan said there would be minimal light projecting into the neighborhoods. He stated the West 2 building’s internal use was to be later into the evening and was in the center of the redevelopment. The building edges were faculty offices and those offices would be empty most evenings. He added that there would be pedestrian lighting adequate for public safety, which would include cut off fixtures with nighttime sky friendly lighting.

Carrie Jackson, 238 South Gill Street, said Mr. Sullivan did a nice job of explaining how Penn State intended to funnel pedestrians. She asked if there were any plans for pedestrian traffic from the neighborhood to campus. She encouraged Penn State to make it more inviting on North Gill Street, North Barnard and North Sparks Street because it would be a symbolic gesture to integrate town and gown.

Mr. Fountaine said there was a Borough/Penn State Project, which included bicycle and pedestrian access, that had been in the works for the past 4-6 years. He said there were several actions coming before Council within the next few months and construction was scheduled to begin in the summer of 2020.

Terrill Salter, 799 West Hamilton Avenue, said she often biked to campus with her kids and currently their route was through a lot of existing parking lots. She hoped the new plan would make it clear where bikes and pedestrians were going. Mr. Sullivan said there would be clear path for bikes, pedestrians and vehicles.

Ms. Lafer said her biggest concern was about ambient light, both from point of view and the ability to see the sky. She said she would like to know that Penn State was working with some guidelines from the International Dark Sky Society. She said if an entire city could do it, so could a small city/town. She also commented that ambient noise was detrimental for people’s health. She said it was worth putting in more time, effort and money to make it better. She added she would like to see that part of town be more livable, safer and healthier. She added that safety was clearly very important but over lighting did not make anyone safer.

Ms. Engeman asked if there was any plan to involve any sustainability, for example, solar panels, green roof, etc. Mr. Sullivan said Penn State officials were looking at these buildings to accept solar panels. Ms. Engeman said energy efficiency was very important to Council. She noted that green roofs helped with storm water quality and quantity. Mr. Sullivan stated the Design teams had a good sustainability consultant onboard.

Mayor Hahn asked if anyone else wanted to provide additional comments or questions and if yes, was there an email address or a mailing address where the university would accept them. Mr. Fountaine said, and Mr. Sullivan agreed, the questions should be forwarded to the Manager and staff would make certain they got answers from Mr. Sullivan’s office.
Mayor Hahn deferred the next agenda item, which was to discuss the Process for Selection of the Interim Mayor, until after the Mayor’s Report.

Public Hour – Hearing of Citizens

Sylvester Osagie, 1012 Saxton Drive, said he wanted to thank the Borough for establishing the Mental Health Task Force. He said as a parent of a mentally disabled child, it was a delicate issue to handle. He commented he was hopeful the Task Force would listen to experts in the field and take their recommendation for future changes. He said it was difficult for disabled people to express themselves clearly. It was just as difficult to anticipate their needs and to do something about them.

Andrew Shubin, 333 South Allen Street, said he was there to make a few comments. First, he said he was interested in what was going on with the Mental Health Task Force. He commented that he had learned about the Task Force being appointed from reading what was in a press release. He asked if the meetings were public and whether citizens could go and speak directly to the Task Force members. Mr. Shubin said he also wanted to know if the Task Force was going to conduct interviews and if yes, who was going to be interviewed. He asked if there was some way for citizens to put themselves on a list if they wanted to be interviewed. Mr. Shubin said he was concerned because the names of the members of the Task Force were not being shared publicly with the citizens of the Borough. He added it would be helpful to him to know who the members were and to determine if they had reached out to experts in their fields in respect to their mandate. In closing, Mr. Shubin said the process and Task Force was not as transparent as it could be.

Mr. Fountaine said most of the information about the Mental Health Task Force and its charge had been published and was readily available on the Borough’s website. He added that the Task Force members were selected and appointed by the Borough and the County. He commented that public notices of opportunities for the public to participate will be announced and open to the public for that purpose. He added that the Task Force would provide periodic updates to the Borough and County as they moved along with their charge. Currently, the Task Force was in the first phase of their work. Mr. Fountaine said all information regarding the Mental Health Task Force could be found on the Borough’s website under the tab labeled “Officer Involved Shooting”.

Wesley Glebe, 115 North Butts Street, said he walked regularly from his home in Ferguson Township, near West Campus into the downtown. He said at the corner of Barnard Street, across from the Bicycle Shop, there was badly broken up sidewalks that lead into the parking lot. He commented that white dots, mean repairs were needed and/or required, were placed on the blocks months ago. He said he had complained to the Public Works Department sometime the beginning of September and inquired as to when they were going to be repaired and was told letters had been sent to the property owners who had until September to have the blocks repaired or replaced. Mr. Glebe said as of today those walks still had not been replaced and should be deemed a health and safety issue. Mr. Fountaine said he would investigate Mr. Glebe’s complaint and get back to him with an update.

Mr. Shubin asked in a follow up question, what was the Borough’s timeline for releasing the names of the people serving on the Task Force Committee, as well as the organizations they represented. Mr. Fountaine said the categories for which the members represented had been previously released publicly.

Items of Information from Council Members

Mr. Myers asked if there was any member of Council who wished to be recognized so they could bring up an item of information for the benefit of the full Council.

Ms. Lafer said she would like to receive an update from staff in 2020 on the Highlands Permit Parking Program. She commented she wanted to know if it was working in terms of fewer cars staying all weekends, ease for people to be able to get in and out of their driveways, etc. She stated she had heard from residents that it was aggravating for residents who had family and/or friends coming for a weekend visit and the need to obtain parking permits for their guests. She personally said she would like to see the resident fees reduced to $10 for the first car and to $1 for each additional car thereafter. She said the fee structure was
a problem. From what she was hearing, Ms. Lafer said the problem was not the idea of the pilot but more of how it was implemented. She asked the Manager to schedule an update sooner rather than later. Mr. Fountaine said staff was still in the process of collecting data and a full report would be compiled early in 2020.

Consent Items

Ms. Lafer asked to have item b removed from the list of Consent Items for further review and discussion.

Mr. Myers made a motion to approve items A through H except for item B. Mr. Barlow seconded the motion. The motion passed unanimously.

- Approve, with conditions, the use of various Borough sidewalks and Sidney Friedman Park on Sunday, April 26, 2020, from 8 a.m. to 6 p.m., for the annual Out of The Darkness Walk.

- Approve, with conditions, the use of various Borough sidewalks and the Orchard Park bike path, on Saturday, April 18, 2020, from 8:30 a.m. to 10:30 a.m., for the Our Lady of Victory Preschool Colorful 5K and Fun Walk.

- Approve, with conditions, the use of the Martin Luther King, Jr. Plaza and the closure of portions of South Fraser Street and West Calder Way, on December 6, 2019, from 2 p.m. to 8 p.m., for the Apollo Holiday Bazaar. Additionally, the approval of a Noise Control Ordinance Waiver for this event. This event has a rain date of December 11, 2019 with the same closure time.

- Approve, with condition, the use of various Borough sidewalks and Bill Welch Memorial Plaza, and the closure of a portion of the 200 block of South Allen Street, on Saturday, December 14, 2019 from 7 a.m. to 10:30 a.m., for the annual Run Rudolph Run 5k.

- Approve Payroll and Accounts Payable vouchers for the month ended October 31, 2019 totaling $3,518,994.70.

- Award the Tree Pruning Contract to Dincher & Dincher Tree Surgeons, the low bidder, for Blocks A and B in the amount of $100,580.00.

- Approve the minutes from the meetings held in August:

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<tbody>
<tr>
<td>August 5, 2019</td>
<td>Regular Meeting</td>
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<tr>
<td>August 12, 2019</td>
<td>Work Session</td>
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<tr>
<td>August 19, 2019</td>
<td>Regular Meeting</td>
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- Receive a Petition to Vacate a portion of Norma Street, between East Marylyn Avenue and property owned by the State College Friends School and refer the matter to the Planning Commission for its review and recommendation and schedule a public hearing on this petition for January 13, 2020.

Ms. Lafer said although she was in favor of the OLV Preschool 5K and Fun Walk, she was not in favor of the use of the powdered paint used. She commented that when looking at the information provided in the agenda packet, she was concerned about the powdery substance entering into the Borough waste-water system. She added she was equally concerned about the talcum powder getting into the children's lungs, especially since the machines shooting the powdered paint was going to be aimed at the children's chests. She said the particles were little pieces of foreign matter and those children with asthma or allergies were being put at a lifelong risk.

Ms. Lafer made a motion to not approve this event. Ms. Engeman seconded the motion.
Ms. Engeman questioned how the organizers would keep the powdery substance from entering the Borough’s wastewater.

Ms. Dauler said she had read through the information that was provided and that students would approach certain stations during their walk or run and only very small cups would contain powdered paint and the paint would be directed at their body and not the children’s faces. She said she had also read that OLV would require goggles or suggested masks for those children with asthma. She reminded other Council members that this event was voluntary. Children did not have to participate if they did not want to or could not due to health reasons.

Mr. Fountaine said these questions or concerns were not raised prior to the meeting; staff had not evaluated the safety nor the environmental concerns. He said he did notice that the powder used was not considered hazardous and was approved for use in cosmetics, food and drugs. He added that color events had occurred in State College in the past. Mr. Fountaine recommended Council postpone any action on this item rather than denying the application and allow time for staff to do more research.

Mr. Barlow so moved. Mr. Myers seconded. Council voted 6-1 with Mr. Murphy against the motion to postpone action on the above consent item.

**General Policy and Administration**

**Sale of Surplus Property**

Mr. Fountaine said the Borough owns a parcel of property (Tax Parcel #36-004-.277-.0000-) that was located at the corner of North Atherton Street and Woodland Drive and consists of 0.21 acres. The parcel had been determined to be surplus property, which was no longer necessary for the Borough to maintain, except for a small piece needed for signage. The Borough could dispose of the property, if it retained an easement for the signage. Council had asked staff to delay its consideration of this sale until it had an opportunity to reach out to the College Heights Neighborhood Association. Staff had heard back from the President of the Neighborhood Association and the association was in favor of selling the property.

A resolution finding that the property is surplus property and authorizing the sale, subject to reserving an easement for the Welcome State College sign, was attached to the agenda packet for Council’s consideration and action. Sealed bids would be received for the sale of the property. Council may sell the property to the highest bidder or it may reject all bids and retain the property.

Mr. Myers made a motion to approve the attached resolution and offer the property for public sale by sealed bids. Ms. Lafer and Mr. Brown seconded the motion. The motion passed unanimously.

**Approve the 2020 Happy Valley Music Festival and Request for an Exception to the Open Container Ordinance**

Mr. Fountaine said Todd Wagner, of Lucky Dog Management, had applied for a Special Activity Permit to close a portion of the 200 and 300 blocks of South Allen Street, use the Bill Welch Memorial Plaza, and use the Allen Street Parking Lot from Thursday, June 18, 2020, at 9 p.m. to Sunday, June 21, 2020 at 6 a.m. for the 2020 Happy Valley Music Festival.

Mr. Fountaine added that the event, for which an open container exception and noise control ordinance waiver were being requested would be held on Friday, June 19, 2020, from 5 p.m. to 10 p.m. and on Saturday, June 20, 2020, from 12 p.m. to 10 p.m. He said as required by the open container exception ordinance, the Downtown State College Improvement District (“DSCID”) is co-sponsoring the 2020 Happy Valley Music Festival and had recommended approval of the open container exception, with conditions.

Mr. Fountaine added that the event was a ticketed music festival, with catering, alcoholic and non-alcoholic beverages provided by vendors who had not yet been determined.
Mr. Fountaine commented that the event was being co-sponsored by the DSCID contingent on the following:

- Lucky Dog Management’s satisfactory completion of all requirements set forth by the Borough of State College.
- DSCID named as additional insured on General & Liquor Liability policy of no less than $1,000,000 per occurrence limit. This coverage should be on a primary and non-contributory basis.
- Lucky Dog Management will indemnify the DSCID, signing an indemnification agreement.

The portion of the South Allen Street where the Open Container Ordinance waiver was being requested were within the downtown boundaries established by Ordinance 2098. In addition to these two ordinance requirements, the applicant had agreed to meet the other requirements listed in Ordinance 2098.

Mr. Fountaine said staff had thoroughly reviewed the application and recommended the application be approved with the following conditions being satisfied two weeks prior to the event:

- Applicant obtains and provides to the Borough and DSCID the liability coverage and indemnification requirement listed above and in Ordinance 2098.
- Applicant meets and adheres to all other requirements listed in Ordinance 2098.
- Applicant provides Building Permit from the Centre Region Code Administration.
- Applicant must distribute and return completed Temporary Food Applications for all food vendors.
- Applicant must resolve accessibility concerns to the Borough’s satisfaction and post signage indicating accessible routes around the festival footprint.
- Applicant must resolve event impact costs associated with the Borough.

Mr. Fountaine said Mr. Wagner was in the audience if Council Members had any questions or needed additional information.

Mr. Barlow made a motion to approve the 2020 Happy Valley Music Festival as described, grant the applicant an Open Container Ordinance waiver as requested, and approve the Noise Ordinance waiver request if all conditions were met. Mr. Murphy seconded the motion.

Ms. Engeman asked what the impact costs would be. Would additional police coverage be required. She also asked about the loss of parking revenue. Mr. Fountaine said Mr. King was working with the applicant on those types of questions.

Mr. King said the costs would need to be reimbursed by the Lucky Dog Management.

The motion to approve passed unanimously.

**Enact Proposed Changes to Fees for the Private/Public Towing Ordinance**

Mr. Fountaine said the public and private towing of vehicles in the Borough was regulated by ordinance. A towing license was required for any towing company engaged in the business of towing vehicles at the request of the Borough from highways, public rights-of-way or other public property in the Borough. The ordinance sets various fees related to the towing, storage, and return of vehicles.
The ordinance suggested that all charges and fees authorized by the ordinance be reviewed every 2 to 3 years to determine if changes were warranted. Mr. Fountaine said the fees for the towing, storage, and return of vehicles was last done in September 2017. In response to a recent request from the approved Borough towing companies to increase various fees, Borough Council discussed the proposed fee changes below at their October 21, 2019 Council meeting.

Mr. Myers made a motion to enact the ordinance amendment the proposed towing fees. Ms. Engeman seconded the motion, which passed unanimously in a roll call vote.

**Official Reports and Correspondence**

**Mayor’s Report** – Mayor Hahn said he was recently elected to be Centre County’s next Magisterial District Judge and as a result, he was submitting his resignation effective at 5 p.m. on December 16, 2019. He commented the candidates who had expressed interest in becoming State College next Mayor. He said he had enjoyed his time in office.

**President’s Report** – Mr. Myers reported that Council met in an Executive Session prior to this meeting to discuss personnel, litigation and real estate matters.

**Process for Selection of Interim Mayor**

Mr. Myers said Council had received the list of individuals who had expressed interest in becoming the interim Mayor. Council should finalize the process for selecting the Mayor. He asked if Council wanted to provide all the candidates with the list of questions in advance and let them choose which ones they wanted to answer.

Ms. Lafer suggested Council ask each candidate to make a 2-3-minute statement about why they wanted to be the State College Borough’s Mayor. She added that the statement should include the reasons why they think they were qualified and what did he/she believe they could bring to the position. She reminded everyone the interviews were not an election nor was the voting of the interim Mayor a popularity contest. She said Council had been given the responsibility to make a choice. She said she would like to say, as she had heard in the past from former Mayor Bill Welch, this was not a circus. She added that she did not want to hear campaign speeches, and this was not a job interview. She said those candidates not chosen to be the next Mayor should be applying for vacancies on the Authorities, Board, Commissions and Committees.

Ms. Dauler said she thought Ms. Lafer had covered a lot of valuable information. She agreed that 5 minutes for each candidate was enough time. Otherwise, it would require two nights to get everyone in.

Mr. Murphy said he liked the random drawing of names that Council had discussed previously, which was consistent with the County’s elections process. He suggested reaching out to the League of Women Voters, a community partner, to see if they would be interested in facilitating the interviews.

Ms. Engeman said she would like to not have everyone use the word “candidate” because those who have applied to be the next Mayor are applicants.

Mr. Myers said Council could not vote until the Mayor had officially resigned. He added that Council and the community did not want to be without a Mayor.

Mr. Murphy said he was not advocating Council responsibility but was simply suggesting that Council might benefit from the help of other organizations who had structures in place. He was in no way abdicating Council’s role or responsibility.
Mr. Barlow said he was fine with giving each person 5 minutes to present with the ability to ask questions. He reminded everyone that Council was under a January 30, 2020 deadline but also understood Council’s desire to vote at their December 16, 2019 meeting.

Mr. Brown said he was glad to hear the Council President was still going to shoot for Council to vote on the interim Mayor at its December 16, 2019 meeting. He felt that date was important for several reasons.

Ms. Dauler asked Mr. Fountaine when the first possible date would be available for interviews. Mr. Fountaine said there was limited calendar availability but suggested December 3, 4 or 5.

Mr. Myers suggested Council hold the interviews all in one night and hold one or two additional meetings to talk about the applicants. Mr. Fountaine said December 9 was available for Council to discuss the interviews and narrow down the applicants, if necessary.

Leslie Laing, a Ferguson Township resident, thanked Council for being so transparent, deliberate and reflective. She liked the suggestion of having the League of Women Voters be the moderator, which would allow all of Council to be attentive and engaged.

Mr. Myers said the consensus seemed to be that Council wanted to schedule the interviews the first week in December with each person having between 2 – 5 minutes to make a presentation. He said he would reach out to the League of Women Voters on a recommendation on how they might give Council some advice on how to handle the interviews, but Council would continue to control the process but use the expertise of others to get their input. By holding interviews the first week of December, it would give Council two weeks for personal deliberation.

Ms. Lafer said that matched nicely with the format used by the League of Women Voters and the Centre Daily Times process. Each applicant would be sent the questions in advance of the interview, using the League’s format, and each applicant would have up to 5 minutes.

Ms. Dauler said this was a good way to promote fairness in the process and by soliciting public input on some of the questions. Ms. Dauler she would want the applicants speaking at the podium to Council members, Council Elect and to the Student Representative. She said she did not want to see prepared PowerPoint presentations.

Adjournment

Due to the lateness of the meeting and no additional topics to discuss, Ms. Lafer made a motion to adjourn the meeting at 9:33 p.m.

Respectfully submitted,

__________________________
Sharon K. Ergler
Assistant Borough Secretary
The State College Borough Council met in a regular meeting on Monday, December 2, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Hahn called the meeting to order at 7:00 p.m.

Present: Donald M. Hahn, Mayor
Evan Myers, Council President
Jesse L. Barlow
David J. Brown
Catherine G. Dauler
Janet Engeman
Theresa D. Lafer
Dan Murphy

Also Present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Edward LeClear, Director of Planning and Community Development; John A. Gardner, Chief of Police; Deborah A.S. Hoag, Director of Public Works; Thomas R. King, Assistant Borough Manager for Public Safety; Roger A. Dunlap, Assistant Borough Manager and Chief Financial Officer; Dwight Miller, Director of Finance; P. Rick Ward, Director of Parking; Douglas Shontz, Communications Specialist, Genevieve Miller, UPUA Student Representative; Sharon K. Ergler, Assistant Borough Secretary and Kimberlee S. McClelland, Administrative Assistant; interested residents and members of the media.

**Proclamation**

Pennsylvania State Representative, Scott Conklin, presented Mayor Hahn with a Proclamation on his retirement as Mayor from the Borough of State College. He said Mayor Hahn had been a lifelong resident of the State College Area and a Penn State University graduate.

Elaine Prestia, Chair of the State College Borough Democratic Committee, presented Mayor Hahn with a thank you gift.

Elizabeth Goreham, former Mayor, thanked Mayor Hahn for his service the last two years and said he was the first person of color to be Mayor of the State College Borough. She said Mayor Hahn had been a source of pride and expanding role as first practicing Attorney and commended the Mayor for being able to conduct meetings, all the while dealing with thorny issues, and not once getting caught up in it.

Council President Myers said he had served with Mayor Hahn over several different capacities and said Mayor Hahn will serve in a different capacity being addressed as Your Honor. Mr. Myers wished the Mayor well.

**Public Hearings**

**2020 Operating Budget**

Mr. Fountaine said as required by Article IX, Section 905 of the Borough’s Home Rule Charter, he presented the proposed budget to Council on October 25, 2019. The Budget was made available for public inspection at that time. The final budget adoption was scheduled for the regular meeting of Council on December 16, 2019.

The proposed budget included total expenditures for the 2020 Budget after adjustments for inter-fund transfers of $67,464,903.
The proposed 2020 Budget had been posted on the Borough's website. A copy of the proposed budget was available for public inspection in the Borough Secretary's Office and at Schlow Centre Region Library.

The hearing was for receiving public comment on the budget only. Questions regarding the proposed budget, they were to be addressed to elected officials or staff outside of the hearing.

Mayor Hahn opened the public hearing.

Katherine Watt, 156 West Hamilton Avenue, said she would like to see the Borough remove itself from the Centre Region Council of Governments, it was an unaccountable extra government layer that was not needed. She requested the cancellation of orders for the Whitehall Road Regional Park and expansion of the Millbrook Marsh Nature Center, because those luxuries cannot be afforded. She asked the Borough to treat tax-payer dollars as if those dollars were their own and not spend the way they had been.

Proposed HOME Investment Partnership Program (HOME) Funds from the PA Department of Community and Economic Development PA DCED

Mr. Fountaine said the Public Hearing was proposed for HOME Investment Partnership Program (HOME) Funds from the PA Department of Community and Economic Development (PA DCED). On November 1, 2019 a public notice of this hearing was published in the Centre Daily Times and posted for public inspection as required by law. Council received public comments on the need for affordable first-time home buyer (FTHB) and rental properties for low and moderate-income households as well as funds to support the operations of Community Housing Development Organizations (CHDO) to include the State College Community Land Trust and Temporary Housing Foundation (THF). Strategies for affirmatively marketing the FTHB and Rental Acquisition/Rehabilitation Programs, as well as strategies for furthering fair housing. Council received public comments on the proposed applications for the DCED Home grant program for a total of $1,160,000 for four projects:

Mayor Hahn opened the public hearing.

Colleen Ritter, State College Borough resident and Executive Director of the State College Community Land Trust, said she supported the Borough’s application through the DCED. Ms. Ritter said this would allow for another First-Time Homebuyer Program and operating support for THF. She said this would also support the acquisition and rehabilitation of an 8-unit multi-family affordable rental property.

Public Hearing for Proposed Zoning Text Amendment: Cat Cafes in the Urban Village Zoning District

Mr. Fountaine said Sharon Myers petitioned for a change to the Zoning Ordinance regulations to allow the operation of a cat café in the Urban Village (UV) zoning district. He said Ms. Myers requested an amendment to allow fully vetted adoptable cats to be present in the café to socialize and interact with customers, in addition to a typical café where food and beverages were served. He said Ms. Myers indicated the nature of the business may require overnight boarding of cats, which was not currently permitted in the UV zoning district, therefore a zoning text amendment was requested.

Council received the request at their September 9, 2019 meeting and referred it to the Planning Commission. He said the Planning Commission provided a recommendation to Borough Council at their October 2, 2019 meeting and Borough Council authorized a public hearing at its October 14, 2019 meeting.

The ordinance was provided to the Centre County Planning and Community Development Office (CCPDCO) and Centre Regional Planning Commission (CRPC) for advisory comments. He said included with the agenda were letters of explanation, a draft ordinance, a memo from the Borough’s Health Inspector, email correspondence from a local veterinarian, and a comment letter from the CCPDCO.

Mayor Hahn opened the public hearing.
Mary Sellers, a Patton Township resident, employed at Penn State University, said she supported the cat café. She said students could adopt properly vetted cats and based on research modules, animals do calm individuals when stressed. She said the café could lead to a regular visiting place for those students in need of stress relief during finals week or stressful times in their lives.

Mr. Fountaine said several support letters were received from the following individuals, Vicki Fong, Jenny Poorman, Brett Buterbaugh, Sarah Rito, Karen Burgos, Stacy Eagan, Lucha Pierson, Carla Myers, Wesley Glebe and Taren Lesley-Urlacher.

Summers on Allen

Mr. Fountaine said on October 14 Centre Foundation representatives provided a presentation on the “Summers on Allen” proposal and application. He said the application proposed to turn the 100 block of South Allen Street into a pedestrian plaza with seating, landscaping, a play area for children, a small stage for performances and painted crosswalks.

The closure was proposed to take place beginning on May 11, 2020 following Penn State’s graduation weekend and Mother’s Day. The closure would end approximately 8 weeks later.

With a grant from The Knight Foundation, the Centre Foundation had funding to create a space for the community to engage and interact with a goal of bringing more people downtown during a time that was traditionally slow.

Borough staff had reviewed the application. Autumn Busbee, Community Engagement Specialist, provided a brief presentation regarding the review. Following the presentation, Council received public comments on the proposal and application. Council was asked to act on the application at the December 16 meeting.

Mayor Hahn opened the public hearing.

Matt Kizenweather, a Rapid Transit Sports employee, said he was against the Allen Street closure and was concerned with parking and deliveries. He said Rapid Transit was one of the few stores that got busier when students left and the closure of Allen would make it harder to get customers to the store, especially those individuals with physical disabilities. He was not against what was proposed but was against the closing of Allen Street and suggested moving the project to Friedman Park. Mr. Kizenweather heard the bars on Allen Street want alcohol permitted in the outdoor dining space and asked if it would be next to the children’s play area? He said it would be a waste of $150,000, if approved, and suggested there be exit strategies, so businesses do not suffer during the 8-week period.

John Vicas-Jones, said he was unable to hear all comments and questions, but added he had created a website to get Allen Street closed permanently 15 years ago, to prevent collisions of pedestrians and vehicles at the junction of Allen and College. Mr. Jones took a survey of the shops in that area and there was a lot of negativity and decided the closure would not work. He said in 2004 he researched Europe Plazas, all similar in size of State College, and in Cambridge all the streets were closed, with one road in the center of the city for buses to drive up and down allowing people to jump on and off. He said deliveries took place at night. He felt traffic problems faced could be obliterated in many ways and hoped this would bring a positive outlook and permanent closure.

Carmine Prestia, 1265 Smithfield Street, encouraged Council to vote against the closure. He said it would eliminate parking spaces and pressurize garages. He said he spoke with delivery drivers and it would lengthen delivery times, force divided loads, create more congestion and bring bigger delivery trucks. As a member of the Alpha Fire Company, deploying apparatus to this area would be difficult and the closure could interfere with deployment. He said this would turn into a taxpayer funded food and drink court and at night things could get out of hand. He said it was a bad idea 50 years ago and still has too many negative effects.
Rosalee Bloom-Brooks, 812 West Beaver Avenue, a permanent, long-time local resident, employed at Woodring’s Floral Garden, said when the street was closed it had a chilling effect on business owners and for all the same reasons everyone had talked about. She said there was reluctance to visit downtown and hoped the town would remain vibrant as it is critical for local businesses and their financial well-being.

Frank Savino, Executive Director for Central PA 4th Festival, suggested keeping Allen Street open for the Independence Day Parade maximizing the street for parade traffic and observers. He said the 2020 crowds were expected to be larger since it would be held on a Saturday. Mr. Savino read the reviews, proposals and reviewed the drawings and it looked promising but asked Council to keep Allen Street in the viewing area and completely clear for parades, safety of participants and observers.

Liz Bennett, a South Allen Street resident, working in the Borough, said she supported the temporary closure of Allen Street and it could be a great experiment. She said there have been events that closed Allen Street often and as a pedestrian the plaza could bring more people to downtown if there was less traffic. She asked if Arts Fest and 4th Fest pays the Public Works and parking revenue fees? Mr. Fountaine said the Borough was responsible for both 4th Fest and Arts Fest and no compensation was received.

Ian Boswell, 706 North Allen Street, said it was an appealing idea for State College and other towns have implemented plaza’s and businesses did well. He said other areas have more pedestrian activity and hoped someday Allen Street would have the same, ideally becoming a permanent plaza.

Jason Hubert, 324 Piersol Lane, said he supported the Summers on Allen and said it was for a limited time and the plaza would encourage people to come off campus. He said Allen Street restaurants could expand their outdoor seating and losing parking spots would not make an impact. He asked Council to view it as a positive thing because there would be negative impacts and residents could live their lives in fear, everyone must look at the possibilities that could exist.

James Tierney, 320 East Waring Avenue, said he was in favor of the Summers on Allen. He and his wife have considered this area their home for 6 years and all the negative comments were from the past. As a Professor at Penn State, he did research on plazas in other locations and when visiting Boulder and Charlottesville, his family would commonly go to the plazas. He said it would take time to develop and recommended an economic review be performed to see the minimal impact it would have.

Rob Schmidt, 403 South Allen Street, Director of Downtown State College Improvement District (DSCID), had considerable conversations with businesses and applicants about the plaza project. He said there was plenty of parking in garages from the time students left until Arts Fest. Students would leave around May 11th then summer session students return and there would not be enough students to create drinking concerns in the outdoor dining area and businesses would continue to open their doors. He said people need a reason to visit downtown, it would only be for 8 weeks, not a permanent closure.

Mayor Hahn said Council would take action on Summers on Allen at their December 16, 2019.

**Public Hour – Hearing of Citizens**

Elizabeth Spate, Woodcrest Street, employed at Penn State University, said she had lived locally for 20 years and had a plan to help the Community to heal from the death of Mr. Osagie. Ms. Spate said after a wellness check, it was determined she had a mental condition. She spoke with the Osagie Family on several occasions and they were lovely people and Mr. Osagie asked Police to perform a wellness check on his son, making Police aware his son had a mental condition and possibly suicidal. She believed the Police killed Mr. Osagie because of fear, and Police Officers should not be working in the field that lived in fear. She said those involved in Mr. Osagie’s death needed to be held accountable. Ms. Spate said she was an advocate for Mr. Osagie and the Mental Health Community.
Elaine Schuckers, 600 East Waring Avenue, said Mayor Hahn was elected for his intelligence, and the issues the Mayor encountered, he addressed them wisely. She said both Mayor Hahn and Mayor Goreham, set very high standards in the way they held meetings and they both were board and committee members for the PA Municipal League. She said Mayor Hahn spent a lot of time on diversity and inclusion, worked on sustainable neighborhoods and protection of our environment. She asked Council to appoint an interim mayor who had the same intelligence and integrity as Mayor Hahn.

Pat Vernon, a College Township resident, asked several questions. What happened to questions asked by citizens that stood before Council? Mayor Hahn said questions were typically addressed during the Public Hour. Mr. Vernon asked if the State College Borough had a Sign Ordinance fee for signs posted on buildings and objects, in particular on cranes? Mr. Fountaine said he did not have an answer and would share with Council at the next meeting. When a new high rise was built, what efforts were made to widen sidewalks from the existing width? Mr. Fountaine said those ordinance requirements would be provided to Council at future meetings. Mr. Vernon said a housing report was to be produced by the Centre Region Code Administration, indicating how much housing was needed, how many housing vacancies there were, if the Centre Region could not produce the report, would the Borough? Mr. Fountaine said he did not have an answer and would share with Council at the next meeting. What was the process for selecting a replacement for the Executive Director of COG? Mr. Fountaine said a recruitment firm had been hired and a recruitment plan would be in place in the next several months.

Mr. Myers said COG held open public meetings and the process was discussed and brought forth to the public on how an Executive Director would be hired.

James Tierney, 320 East Waring Avenue, said four fraternity houses offered free parking to those in the Highlands that had family visiting from out of town over Thanksgiving because of the home football game. He said the Interfraternity Council (IFC) did a lot of nice things given all the negativity around fraternities.

Consent Items

Ms. Lafer made a motion to approve the following Consent Item. Mr. Barlow seconded the motion, which passed unanimously in favor.

- Amend the Road Closure Agreement with Penn State University for New Alley to provide reimbursement by the Borough to provide for the reimbursement of the sanitary sewer replacement not to exceed $85,156, including a 10% contingency for unknown underground conditions. Funds for this work would be available in the Sanitary Sewer Fund.

General Policy and Administration

Ordinance for the Conduct of 2020 First Night

Mr. Fountaine said there was a series of requests, from the Central Pennsylvania Festival of the Arts, to use public property to conduct this year’s First Night® celebration. First Night activities included:

- Ice sculptures, resolution sculptures and food vendors on the 100 block of South Allen Street and Mayor Welch Plaza starting at 8:00 a.m. on Monday, December 30, and Sidney Friedman Park as of Sunday, December 29 at 2:00 p.m.
- Horse drawn carriage rides to and from the Mayor Welch Plaza, around Memorial Field and Sidney Friedman Park, on Tuesday, December 31
- A grand procession on Foster Avenue, Fraser Street and Allen Street on Tuesday, December 31
- Use of the Municipal Building lobby to display resolution sculptures and use of the second-floor lobby and the Community Room for arts and crafts workshops and performances
- Approve the closing of various downtown streets on Tuesday, December 31, 2019, from 6 p.m. to 8 p.m. for the First Night 5K Resolution Run and procession.
Mr. Myers made a motion to approve the series of requests. Ms. Dauler seconded motion, which passed unanimously in favor.

**Special Activity Request, Our Lady of Victory Preschool Colorful 5K and Fun Walk**

Mr. Fountaine said on Monday, November 18, 2019, Council was asked to approve, with conditions, the use of various Borough sidewalks and the Orchard Park bike path, on Saturday, April 18, 2020, from 8:30 a.m. to 10:30 a.m., for the Our Lady of Victory Preschool Colorful 5K and Fun Walk.

Due to several concerns raised about the use of colored powder, Council tabled the vote, due to health and environmental impacts. Colored powder was a sediment that could enter the storm sewer system; the Borough was responsible for preventing and reducing the amount of sediment entering the storm sewer system due to its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit through the United States Environmental Protection Agency (EPA).

Mr. Fountaine said Council could either approve the 5K, with the use of color being restricted to private property or approve the 5K only and completely restrict the use of color.

Ms. Lafer moved to approve option two, to approve the 5K and restrict use of color, she said it caused problems to sewers, what would it do to human lungs and she suggested using multi-colored flags. Ms. Dauler seconded the motion.

Mr. Murphy, moved to amend the motion to strike to restrict use of color to read, approve the 5K and use of color being restricted to only private property. He said he did not agree with the risks of the event and utilizing amendment process, making his concerns known. Mr. Barlow seconded the motion to amend.

Kate Masters, a Ferguson Township resident, represented the Board of Our Lady of Victory (OLV) Pre School, said they hoped to hold the 5k as a community event, it served as a fundraiser for the OLV School, to buy supplies and help with fieldtrip expenses. She asked Council to approve as the powder would be used on school property and this had been done throughout several school districts and thanked Mr. Murphy for his recommendation.

Ms. Masters, said the powder was made of corn starch and edible dye, solubility should not be an issue.

The amended motion passed 4-3 with Ms. Lafer, Ms. Engeman and Ms. Dauler voting against the motion.

**Resolution Approving the Cable Television Franchise for Comcast**

Mr. Fountaine said the Centre Area Cable Consortium (CACC) had been negotiating the Cable Television Franchise renewal with Comcast for over a year. As previously reported by Council Member Dauler, the Borough’s representative to the CACC Board, the CACC Board approved the Cable Franchise Renewal subject to the ratification by the eight CACC members. Council was asked to adopt the Resolution, authorizing the execution of a Cable Franchise Agreement between the Borough and Comcast of Colorado/Pennsylvania/West Virginia, LLC.

As established by federal law, the cable television franchise only pertained to cable television services. Other services provided by Comcast, including internet, telephone and home security, are not subject to local franchise control. Local government is pre-empted from regulating these other services.

The new franchise with Comcast was for a period of 10 years. It provided significant provisions for C-NET, including the addition of an HD channel when certain broadcast standards are met, a $500,000 capital grant over the life of the franchise (with the option for each individual municipality to increase its pass through share at year 5) and the addition of 3 additional remote origination points. Courtesy cable service would also continue to be provided to designated public buildings in the Borough.
Ms. Dauler made a motion to approve the resolution. Mr. Myers seconded the motion which passed unanimously.

2020 Meeting Schedule

Mr. Fountaine said attached was the proposed 2020 Meeting Schedule, as prepared by the Manager and the President of Council. The meeting schedule reflected the recognized holiday schedule, including major religious holidays. Council was asked to review the schedule and provide comments to the Secretary. Final action to approve the meeting schedule for 2020 was scheduled for the December 16, 2019 meeting. He said no action was required this was a discussion only item.

Mr. Murphy said there was discussion of holding quarterly meetings at different locations, in which he was not against taking Council meetings on the road.

Mr. Myers said he was a big component of taking the meetings on the road which were successful. He said the response was underwhelming, and Council ended on the road meetings. He said it would be good to get out and was not opposed to taking the meetings on the road again.

Mr. Barlow said he would entertain meetings on the road and said maybe if they were regular meetings, the turn out would be greater.

Ms. Lafer said meetings were held at the Corl Street Elementary, and it was not a good space and was impossible for staff to hear with no attendance. She suggested asking the State College School Board if they would allow Council to use equivalent space at Corl Street because it had a better space now and would be easier for C-NET.

Mr. Fountaine said voting on the 2020 Meeting Schedule would take place at December 16 Council meeting.

Planning and Zoning

Consider Enactment of Zoning Ordinance: Cat Cafés in the Urban Village District

Mr. Fountaine said Sharon Myers requested a change to the zoning ordinance regulations to allow the operation of a cat café in the Urban Village (UV) zoning district. If approved, the ordinance would define a “cat café” and permit use throughout the UV zoning district. Council received the request at its September 9, 2019 meeting and referred it to the Planning Commission. The Planning Commission provided a recommendation to Borough Council at its October 2, 2019 meeting. Council held a public hearing on the proposed amendment earlier that evening.

Ms. Lafer supports the Cat Café but said there needed to be health and safety requirements and should not be approved without those conditions.

Ms. Lafer moved to follow staff’s recommendation, including various health and safety requirements.

Mr. LeClear said laws were in place with the Commonwealth that would be adhered too and items in PA Food Code sections were applicable and trying to enforce other regulations would be redundant. He said if a change was made it would be required to go back through the 60–90-day process of changing the zoning text amendment and there were changes discussed with the applicant, cats needed vetted and a hand washing area was required. He said items that need added were signage requirements and air handling codes.

Ms. Lafer moved to approve and Ms. Dauler seconded the motion.

Mr. Fountaine noted the action Council needed to take was to approve the ordinance amendment and any additional comments should be a stand-alone motion.
Mayor Hahn proceeded with the approval of motion to approve ordinance as it was presented. Mr. Brown asked if it restricted to cats only and what about dogs? Mr. Williams said this was for cats only and there would need to be an amendment to the ordinance if wanting a dog’s café.

The motion passed 6-1 with Ms. Engeman voting against the motion.

Tom Schrack, an attorney with McQuaide Blasko, said he was representing Ms. Myers, and they recognized all obligations under the law and any other regulations that existed were separate from the Zoning Ordinance. Appropriate vetting would be adhered and covered, and all animals would be spayed and neutered as required.

Ms. Lafer said there would probably be more cat cafés in that district and would like to have the requirements as part of the record for any café’s coming in the future.

**Proposed Applications to PA DCED for HOME Program Funding**

Mr. Fountaine said the Pennsylvania Department of Community and Economic Development (PA DCED) made HOME Investment Partnership (HOME) funds available to HUD HOME Participating Jurisdictions, such as State College Borough, that receive less than $500,000 per year in HUD HOME Entitlement funds. The State College Community Land Trust and the Temporary Housing Foundation requested that State College Borough apply to the PA DCED for this funding for Acquisition/Rehabilitation for first-time home buyer and rental activities and for CHDO (Community Housing Development Organizations) operations support funding for up to a max. of $100,000 for each organization.

A public notice was published on November 1, 2019, followed by a 30-day public comment period, and a public hearing, which was held earlier during this meeting. No public comment was received prior to the public hearing. The CDBG Citizens Advisory Committee discussed the proposed HOME applications at a public meeting on November 5, 2019 and recommended application for this state funding.

Mr. Brown moved to recommend the following and Mr. Myers seconded.
1. authorize submittal of the proposed grant applications
2. authorize the use of Inclusionary Housing funds toward the proposed projects within limits of Ordinance #1972, as amended
3. adopt policies as required by state and federal regulations and
4. authorize the Borough Manager to execute application documents as needed.

Ian Boswell, 706 North Allen Street, urged Council to vote in favor of the DCED Grant Application because of the affordable housing problem in State College and because the Land Trust did great work.

Council voted unanimously in favor to adopt Resolution #1239.

**Vacation of North Gill Street between Railroad Avenue and Penn State’s West Campus**

In the State College Neighborhood Plan (2014), Gill Street was a designated bicycle route and contained bicycle lanes that connect the West End Borough neighborhood to downtown, campus, the SCASD schools and the Orchard Park bike path. However, those routes ended at West Campus Drive, and therefore lacked direct connectivity into West Campus. Goal 4 of the Neighborhood Plan seeked to address neighborhood-scale transportation safety and multi-modal transit opportunities, in part by providing a bicycle and pedestrian connection to West Campus. To proceed with the implementation of this plan recommendation, the Borough would need to vacate a short segment of North Gill Street to the northwest of Railroad Avenue. This 50-foot wide ROW was ordained by Council in 1909 (Ord 35A) and the northwesternmost segment dead-ends near Penn State’s West Campus. However, this section was never opened by the Borough, nor was this section maintained by the Borough. In 2014, the Borough was awarded a PennDOT Multimodal Fund grant. However, the funds have not yet been expended and the DOT allowed a time extension to expend the funds and close the grant by November 16, 2020. Council,
at its discretion, may vacate streets and alleys within the Borough. The proposal would be to vacate the entire 50-foot wide ROW. The Borough would obtain an easement over a portion of it to allow an area for a shared use path to be constructed and utilize the Multimodal funds. An engineering drawing of the proposed area of vacation was included with the agenda.

Mr. Barlow motioned to schedule the Vacation of North Gill Street between Railroad Avenue and Penn State’s West Campus at its December 16, 2019 meeting. Mr. Murphy seconded the motion which passed unanimously in favor.

John Simbeck, 141 North Gill Street, said he stood to lose the most because he cared for the property nobody else wanted. He asked to be a part of this process when the project was submitted years ago to the Planning Commission and was never asked to be involved. He said it appeared as a done deal and now all the sudden this project was coming to life.

Mr. Fountaine said the motion was to schedule the vacation of the ROW (right of way), currently it was an ordained street, the Borough did not have ROW to the street. Mr. Fountaine said he was willing to meet with Mr. Simbeck to further discuss this matter.

Ms. Lafer said the bike path has been talked about for a long time and we do not know the best answers for the landowners. She said she understood the frustration and hoped they can make something happen.

The motion to schedule a vote at December 16, 2019 meeting; passed unanimously.

Official Reports and Correspondence

Mayors Report: Mayor Hahn said this was his last Council meeting, and 2019 was the most difficult year for State College and his 22 years of public service. He emerged with reaffirm respect for the professionalism of the Borough Staff and community, noting Council and Staff needed to address mental health practices. He said everyone was a work in progress and State College was a great Community, but it could be better.

President’s Report: Mr. Myers said Council held an Executive Session prior to its meeting to discuss Personnel, Real Estate and Legal Matters.

Staff Committee Report: No Report

Student Representative Report: No Report

2020 Operating Budget

Mr. Fountaine said Council would continue its review and discussion. An updated comment matrix addressing all review comments prior to this meeting would be distributed prior to the December 9, 2019 work session.

Continue Discussion on the Procedure for Selecting a Mayor to Fill the Unexpired Term.

Mr. Fountaine said Council would conclude its review of questions submitted by the public and send them to the candidates. Council would hold a special meeting on December 3, 2019, beginning at 7:30 PM to provide candidates with an opportunity to address Council and to respond to questions suggested by both Council and the public. The deadline for the public to submit questions was by 5 PM on Friday, November 29, 2019. The questions from Borough residents would be submitted to Council on Saturday, November 30 for consideration at that meeting.

Mr. Myers discussed the process for the 12 applicants that applied for the Interim Mayor position. Questions were shared with Council and the applicants. He said each applicant would have 5 minutes to
speak and present their background why they want to be Mayor, then answer questions that have been posed. Mr. Myers said Council would randomly draw 12 names and the order names were drawn would be the order they would speak, and the candidates would not know their order. The Borough has 45 days to choose a Mayor and if a Mayor was not chosen after 45 days, the President/Judge of Centre County would appoint a Mayor. Mr. Myers asked Council how they would like to proceed with the set of questions submitted, those within the Borough and those questions from outside the State College Area? Mr. Barlow suggested forwarding all questions to candidates and allow candidates to choose what they would like to answer.

Ms. Engeman asked why individuals not living in State College were allowed to submit questions? Mr. Myers said those living outside the Borough would not be impacted by the decision and felt Council would pass the questions along without any endorsement. He said if anyone from the community wanted to comment about what they did or did not hear they would have up to 2 weeks to submit their comments in writing to Council.

Mr. Barlow moved to forward all questions to the candidates and to allow the candidates to choose the questions they would like to answer. Mr. Brown seconded, and Council voted unanimously in favor.

Mr. Murphy noted C-NET would be streaming the interviews live.

**Adjournment**

There being no additional business to discuss, the meeting adjourned at 9:29 p.m.

____________________________
Sharon K. Ergler
Assistant Borough Secretary

Prepared by: Kimberlee S. McClelland, Administrative Assistant
Meeting Minutes  
State College Borough Council  
Regular Meeting  
Monday, December 9, 2019

The State College Borough Council met in a regular meeting on Monday, December 9, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Council President Evan Myers called the meeting to order at 7:00 p.m.

Present:  
Evan Myers, Council President  
Jesse L. Barlow  
David J. Brown  
Catherine G. Dauler  
Janet Engeman  
Theresa D. Lafer  
Dan Murphy

Absent:  
Donald M. Hahn, Mayor

Also Present:  
Thomas J. Fountaine, II, Borough Manager; Edward LeClear, Director of Planning and Community Development; John A. Gardner, Chief of Police; Deborah A.S. Hoag, Director of Public Works; Thomas R. King, Assistant Borough Manager for Public Safety; Roger A. Dunlap, Assistant Borough Manager/Chief Financial Officer; Dwight Miller, Director of Finance; P. Rick Ward, Director of Parking; Douglas Shontz, Communications Specialist; Genevieve Miller, UPUA Student Representative; Kimberlee S. McClelland, Administrative Assistant; interested residents and members of the media.

Council recognized Larry Kuhns, from Kuhns Tree Farm, he passed away after a longtime illness.

Public Hour – Hearing of Citizens

There was no one in the audience who wished to speak about matters not on the agenda.

ABC/Special Reports

Lesbian, Gay, Bisexual, Transgender, and Queer Advisory Committee’s Annual Report

Mr. King provided an update on the LGBTQ Committee activities. He said Council established the 13-member committee and 3 vacancies would be filled by January 2020. Mr. King said in 2018, the Committee had several accomplishments and achieved a score of 98 on the Municipal Equity Index which increased since 2017. The Committee signed a Memorandum of Understanding (MOU) with the AIDS Resource and in 2018 the Committee obtained street banners to promote awareness during Pride Months, April – June. The Committee observed Pride Month in conjunction with Penn State University in April when classes were in session. Mr. King said in 2019 two policy changes were implemented, Domestic Partner and All Gender Single Occupancy Facilities and in October 2019 Proclamation for Transgender Day of Remembrance and LGBTQ History Month were signed. Kevin Kassab was the Borough’s Liaison, and everyone remained impressed with the LGBTQ Group and the 2020 activities that would be developed.

Mr. Murphy said he himself received far too much credit for the LGBTQ work, and the Advisory Committee moved those efforts. He said he reviewed the Municipal Equity Index and suggested the transgender inclusive benefits be improved.

Mr. Fountaine said transgender benefits would be available to employees; however, the policies were not specific and would be worked on.

Mr. Myers appreciated the work Staff and the LGBTQ Advisory Committee had done, and requested the Committee stay on top of Human Rights.
Overview and Timeline of Website Upgrade

Mr. Fountaine said on October 14, 2019 Borough Council approved the Engage 6 Website Upgrade Contract with current website vendor, CivicPlus. This project would upgrade State College’s website from Content Management System (CMS), to Engage 6, Headless Content Management System (HCMS) from CivicPlus. The update would improve the usability of the website from both staff and the public. It also increased the flexibility to integrate with any software solutions existing or being considered. The project would move from State College’s website from a “cookie-cutter website” (CMS) to a customized solution (HCMS) that would be tailored to meet the organization’s specific needs.

Mr. Shontz, said the Borough used CivicPlus since 2005 and the software provided free website design, but it was not meeting organizational needs and the Borough explored other software options that would meet those needs. He said in mid-2019 CivicPlus launched a new product called Engage 6 and the Borough would use this software moving forward. He commented Engage 6 provided different options needed for our website; unique design/layout, ease-to-use, responsive design, accessibility, search engine optimization and headless content management system. He added the Borough would be the first community to gain access to the new technology. The project began in November 4, 2019, on-site visits and analysis would begin mid-January, community outreach and engagement would also begin in January, content migration would occur around beginning of March, staff training would take place around April and the updated website would launch around June.

Mr. Barlow asked what user complaints were received about the current website? Mr. Shontz said broken links were the theme and it was not user friendly. Mr. Barlow asked if the search mechanism would improve? Mr. Shontz said the technology we have was from 2005 and Engage 6 would enhance the search engine.

Ms. Lafer said she received many complaints about the website’s search mechanism. She said users do not understand what the front end and back end meant and hoped Council would be allotted time to test the software, providing feedback. She encouraged the Public to test the website and provide feedback to Council of what worked and what did not work. She said the readability and adaptability was important for those with disabilities.

Mr. Shontz said Application Programming Interface (API) had to be developed by the Borough and cannot be accessed by anyone.

2020 Budget Review and Wrap-Up

Mr. Fountaine said Council would continue its review and discussion of the 2020 Budget. The 2020 Operating Budget was presented to Council on October 30, 2019. Council held a public hearing on December 2, 2019 to receive public comment on the budget. The proposed 2020 Budget had been posted on the Borough’s website, and a copy of the full document has been available for public inspection in the Borough Secretary’s Office and at Schlow Centre Region Library.

Council was asked to conclude its discussion, raise any questions and provide any final requests for information or additional data at the meeting. Council should also confirm if the responses to comments and questions reported in the Budget Comment Matrix had been resolved to Council’s satisfaction, or if additional information was required. Once Council had concluded its review of the Budget, the following actions would be included on the December 16, 2019 Regular Meeting agenda for enactment of the 2019 Budget and all related actions.

Mr. Fountaine said a Resolution would be presented to formally approve and adopt the 2020 Budget appropriations and revenues, which included the 2020 Pay Plan for non-union personnel. Mr. Fountaine said approval could not take place until the December 16, 2019 meeting.
Mr. Barlow motion to postpone approval of all ABC and special report items until the December 16, 2019 meeting. Ms. Lafer seconded the motion, which passed unanimously in favor.

Ms. Dauler suggested discussing each agenda item in the event questions arose.

Ordinance Establishing the Real Estate Tax Rate for 2020 and Establishing Penalty and Discount rates:

Mr. Myers said an ordinance establishing the Real Estate Tax Rate for 2020 at $.01826 times the assessed value or 18.26 mills. The Ordinance also established the discount period and penalty rates for the Real Estate Tax in 2020. The discount and penalty rates remained unchanged with the discount rate of 2% and a penalty rate of 10% in accordance with state law. A roll call vote would be required.

Mr. Brown asked if the Real Estate Tax rate increase was related to the COG increase? Mr. Fountaine said no, the increase was related to capital funding, and the remainder was for the Redevelopment Authority.

Mr. Brown asked if the Borough was increasing the 7% COG contribution? If yes, where would that funding come from? Mr. Fountaine said funding was from the General Fund, causing no tax increase.

2020 Pay Plan:

Mr. Myers said Council would be asked to approve a resolution for the 2020 Pay Plan for non-union Personnel. Council had no questions.

2020 Police Pension Employee Contribution Rate:

Mr. Myers said a Resolution setting employee contribution rates for 2020 for the Police Pension Plan at 5% would be presented. There was no change in contribution rates. This rate was established by the Plan Documents and actuarial analysis. Council had no questions.

2020 General Government Employee Pension Contribution Rate:

Mr. Myers said there was a Resolution approving the employee contribution rates for 2020 for the General Government Pension Plan at 4%. There would be no change in the employee contribution in 2020. The rate was set by the Plan Documents and actuarial analysis.

Ms. Lafer confirmed percentages remained the same and there would be no increase.

An Ordinance Authorizing Property Assessments for the Downtown State College Improvement District (DSCID):

Mr. Myers said an Ordinance Authorizing Property Assessments for the Downtown State College Improvement District (DSCID) would be presented. Council was required to annually enact an Ordinance to authorize millage rates for the assessment of properties located within the Downtown Neighborhood Improvement District. The rate was set in the Downtown Improvement District Plan and may not be changed without a plan modification approved under the Neighborhood Improvement District Law. The millage rates authorized in the Ordinance for 2020 were unchanged from 2019.

Mr. Brown asked if the Glennland Building change had any involvement? Mr. Fountaine said nothing changed with the assessed value; however, there could potentially be an increase over next 10 years.

2020 Schedule of Fees:

Mr. Myers said there would be a Resolution approving the 2020 Schedule of Fees to which Council had no questions or comments.
An Ordinance Approving the Sewer Tapping Fee Increase:

Mr. Myers said for 2020, the University Area Joint Authority approved a treatment fee increase of 1.3%. Residential tapping fees increased from $5,370 to $5,440 per residential connection, and non-residential tapping fees remained at $23.03 per gallons per day. A roll call vote would be required.

Ms. Dauler said the increase was approved by the University Area Joint Authority and the Borough did not have any control over the approved fee.

An appropriation of $1,844,564 for the Borough’s share of various Regional Programs to support the Centre Region COG 2020 Budget

Mr. Myers said he had received feedback from individuals regarding the visibility and transparency of the COG Budget and the Budget was formulated over 6-7 monthly sessions that were open to the public and were viewable on C-NET. Council Members had no questions.

A Resolution Certifying the Local Match for the Borough’s share of CATA services for CATA’s Fiscal Year in the amount of $145,656.

Mr. Fountaine said Council would be asked to approve a resolution approving the Borough’s share of CATA services.

2020 Meeting Schedule

Mr. Fountaine said attached to the agenda was the proposed 2020 Meeting Schedule, as prepared by the Manager and the President of Council. The meeting schedule reflected the recognized holiday schedule, including major religious holidays. Mr. Fountaine said there was some discussion at the December 2, 2019 meeting about holding meetings offsite. Council should decide whether they want to hold meetings offsite and which ones. Council will be asked to review and approve the schedule at its December 16, 2019 meeting.

Mr. Myers said Council should consider whether they would hold work sessions as regular meetings and be able to advertise regular meetings in a timely manner. He also suggested regular meetings and work sessions be displayed differently, as it was confusing.

Mr. Barlow asked if work sessions could be advertised in the newspaper last minute? Mr. Fountaine said staff was required to give a 24-hour notice to change meetings, perhaps the week before the meeting would be enough time.

Mr. Myers said as long as a meeting was advertised and voting could take place, it was sufficient timing.

Ms. Lafer said there were fewer meetings and suggested listing all meetings as regular meetings. If something important would arise, Council could then vote since it was published as a regular meeting and Council would verbalize if more time would be needed to discuss an item.

Ms. Dauler thought about the public and if Council held work sessions, it was understood, there would be no voting. She said if a complicated issue received a large response from the public, the public would feel they were not provided enough opportunity to express their concerns.

Ms. Lafer, said thinking from a practical point of view, there would be an entire month between February to March, if an important item occurred, a work session could be requested.

Mr. Murphy said he looked at the schedule and the work sessions could help with off-site options. He said particularly the October 12 session, it could be hosted at Penn State University, given other the dates would not be as student conducive.
Ms. Dauler was interested in Mr. Murphy’s proposal to hold a meeting at Penn State and said when this was done before, public turnout was disappointing.

Mr. Barlow, said holding a meeting at Penn State, HUB location would be a good way to get student input.

Mr. Myers said, there would be flexibility to change work sessions into regular meetings and agreed with Ms. Lafer and voting on this topic would occur at the December 16 meeting. He suggested if a topic pertaining to a specific neighborhood arises, then Council could meet in or within proximity of that neighborhood to gain more public appearance.

**Continue Discussion on Interim Mayor Selection**

Mr. Myers discussed the Interim Mayor procedure to be followed and said Council Member names would be drawn and the order they were drawn, that Council Member could nominate an applicant. He said Council Members would not have to nominate, and seconds were not necessary. He said if all 7 Council Members nominated someone, the person who went first, nominating person x, receiving the majority vote, person x would become the next Mayor and no other votes would be taken. If nobody received the majority votes, the nominations would continue starting with the first Council Member that began the process all over again. He said Council would vote in the order they nominated applicants.

Ms. Miller asked if not everyone would be guaranteed to be nominated? Mr. Myers confirmed that could occur.

Mr. Brown asked if all Council Members would have a chance to nominate before the first vote was taken? Mr. Myers answered yes.

Ms. Dauler asked if nominated names would be displayed on the screen and Mr. Myers confirmed they would be.

Ms. Miller asked if there could be up to 7 nominees before the first vote occurred? Mr. Myers, said if none of the 7 nominees received a majority vote, the process would start over.

Ms. Lafer said this would not be a democratic election and this person would have all responsibilities of an elected official.

Mr. Myers said this would be a difficult decision and was amazed by the depth of individuals who had come forward.

Pat Vernon, a College Township resident, did not think the nomination process was a good process and suggested a rank order voting.

Mr. Murphy asked for clarity on the process of discussion in-regards to public comments and feedback received pertaining to applicants. He asked would there be any further discussion once nominations began. Mr. Myers said once nominations began, no further discussion would take place and voting would occur.

Mr. Brown asked about the status of the Zoning Rewrite. Mr. Fountaine said it is targeted to be finalized by the end of 2021.

**Adjournment**

The meeting was adjourned at 8:16 p.m.
The State College Borough Council met in a regular meeting on Monday, December 16, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Council President Myers called the meeting to order at 7:06 p.m.

Present:
Evan Myers, Council President
Jesse L. Barlow
David J. Brown
Catherine G. Dauler
Janet P. Engeman
Theresa D. Lafer
Dan Murphy

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Sharon K. Ergler, Assistant Borough Secretary; Dwight Miller, Finance Director; Douglas Shontz, Communications Specialist; Ed LeClear, Planning Director; John A. Gardner, Chief of Police; P. Rick Ward, Parking Manager; Deborah A.S. Hoag, Director of Public Works; Craig Bowser, Information Technology Officer; Thomas R. King, Assistant Borough Manager for Public Safety; Dwight Miller, Finance Director; Roger A. Dunlap, Assistant Borough Manager/Chief Financial Officer; Isabel Story, Planner; Borough residents and members of the media.

Public Hour – Hearing of Citizens

There was no one in the audience who wished to speak during the Public Hour about a matter not on the agenda.

Consent Items

Mr. Barlow made a motion to approve the following Consent Items. Ms. Dauler seconded the motion, which passed unanimously:

- Appoint or reappoint the following individuals to various Authorities, Boards Commissions and Committees:

<table>
<thead>
<tr>
<th>Appointment/Reappointment</th>
<th>Name of ABC</th>
<th>Person’s Name</th>
<th>Date of Expiration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reappointment</td>
<td>Authorities Board</td>
<td>Lynn Herman</td>
<td>December 31, 2024</td>
</tr>
<tr>
<td>Reappointment</td>
<td>Board of Health</td>
<td>Linda Greenly-Finch</td>
<td>December 31, 2024</td>
</tr>
<tr>
<td>Reappointment</td>
<td>Community Development Block Grant Citizen’s Advisory Committee (CDBG CAC)</td>
<td>Jason Olcese</td>
<td>December 31, 2023</td>
</tr>
<tr>
<td>Reappointment</td>
<td>Community Development Block Grant Citizen’s Advisory Committee (CDBG CAC)</td>
<td>Bruce L. Quigley</td>
<td>December 31, 2023</td>
</tr>
<tr>
<td>Reappointment</td>
<td>Human Relations Commission</td>
<td>Susan Bardo</td>
<td>December 31, 2022</td>
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<tr>
<td>Reappointment</td>
<td>Human Relations Commission</td>
<td>Michele Hamilton</td>
<td>December 31, 2022</td>
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<tr>
<td>Reappointment</td>
<td>Human Relations Commission</td>
<td>Joseph C. Korsak</td>
<td>December 31, 2022</td>
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<td>Reappointment</td>
<td>LGBTQ Advisory Committee</td>
<td>Greg Brauser</td>
<td>December 31, 2022</td>
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<tr>
<td>Reappointment</td>
<td>LGBTQ Advisory Committee</td>
<td>Barbara Welshofer</td>
<td>December 31, 2022</td>
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<tr>
<td>Reappointment</td>
<td>State College Planning Commission</td>
<td>Scott Dutt</td>
<td>December 31, 2023</td>
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• Approve Payroll, Accounts Payable, and Debt Service Payment vouchers for the month ended November 30, 2019, totaling $6,780,450.61.

• Approve a resolution reappointing Lee Lowry as a member of the Zoning Hearing Board, with a term ending on December 31, 2022, and appointing Rich Kalin as a member of the Zoning Hearing Board, with a term ending on December 31, 2022.

• Approve the 2020 Meeting Schedule.

• Approve a resolution and authorize the officers of the Borough to execute the documents necessary for cost-sharing utility work with PennDOT for costs associated with the sanitary sewer adjustments in the project area.

• Approve a resolution and authorize the officers of the Borough to execute the Set-Aside Contribution Agreement with PennDOT for the Atherton Street Pedestrian Safety Project.

• Approve a Memorandum of Understanding (MOU) with the American Federation of State, County and Municipal Employees (AFSCME) for a one-time wage increase effective January 1, 2020.

**General Policy and Administration**

**2020 Operating Budget**

Mr. Fountaine said as part of adoption process for the 2020 Budget, each of the actions to adopt the budget would require a separate motion and vote.
Ms. Lafer made a motion to approve the resolution presented, to formally approve and to adopt the 2020 Budget. Mr. Brown seconded the motion.

Mr. Myers said, as a point of order, the 2020 Budget adoption was broken down into many resolutions and the ordinances required a separate action, specifically items A, E and F must be acted on separately and required a roll call vote for each.

The motion to approve the resolution passed unanimously.

**Ordinance Establishing the Real Estate Tax Rate for 2019 and Establishing Penalty and Discount rates:**

Ms. Dauler made a motion to adopt Ordinance 2135 which established the Real Estate Tax Rate and established the penalty and discount rates for 2020. Mr. Murphy seconded the motion, which passed unanimously in a roll call vote.

**An Ordinance Approving the Sanitary Sewer Tapping Fee Increase**

Mr. Barlow made a motion to enact Ordinance 2136 approving the Sanitary Sewer Tapping Fees for 2020. Mr. Brown seconded the motion. The motion to enact the ordinance passed unanimously in a roll call vote.

**An Ordinance Authorizing Property Assessments for the Downtown State College Improvement District (DSCID)**

Ms. Dauler made a motion to enact Ordinance 2137 to authorize the assessment of properties located within the Downtown Neighborhood Improvement District for 2020. Ms. Engeman seconded the motion.

Mr. Fountaine pointed out that the millage rate authorized in the ordinance was the same as those assessed for the past several years.

The adoption of the ordinance passed unanimously in a roll call vote.

**Strategic Plan Adoption**

Mr. Fountaine briefly outlined the process involved in updating the Borough’s Strategic Plan.

Mr. Murphy made a motion to adopt the Strategic Plan. Ms. Lafer seconded the motion which passed unanimously.

**Summers on Allen Street Closure**

Mr. Fountaine said at Council’s October 14, 2019 meeting, Event Organizer Brad Groznik presented the Summers on Allen proposal. He noted that he had received comments from merchants on the 100 block of South Allen Street, as well as input from a merchant on the 100 block of South Fraser Street. He also noted that the owner of Rapid Transit Sports expressed in an email their willingness to pay the loss parking revenue to keep the street open.

Mr. Myers said since Council had held a public hearing on this matter at their December 2, 2019 meeting, there would be no additional commentary from the public.

Ms. Lafer said she had reviewed the commentary made during the public hearing, read the emails both for and against the event, listened to people from Pine Grove Mills, Foxdale and around town and both on and off campus. She said most people she spoke with did not see South Allen Street as a place they would come to. She added that this proposal needed more discussion and some of the details worked out before moving forward. She said if businesses like Rapid Transit and Woodring’s Floral were
concerned, Council should be too. She said a business could go broke over the summer if people cannot get to their shops. She added that she saw the closure as very problematic.

Ms. Lafer made a motion to not approve the Summers on Allen proposal because she believed there was a greater discussion needed. Ms. Engeman seconded the motion.

Ms. Dauler said the purpose of having Council vote on the application and this meeting was to give the applicants ample time for the programming to be put in place for the opening as anticipated. She said she had some big concerns about how that would affect the actual implementation should it be approved at a later date.

Mr. Brown said in terms of procedures, he was not in favor of delaying the vote on the application; however, he did not intend to vote for it. He thought 2020 was a bad year to implement it. He said if PennDOT was working on Atherton Street, from Park Avenue to College/Beaver and beyond, and started blocking off lanes and with the building construction at the Atherton/College corner and the Beaver/Pugh corner, there was going to be a colossal traffic jam downtown. The extra traffic on College and Beaver Avenue, in the loading zones, to allow for the closure was going to exacerbate the problem. He said the complaints from business owners was of real concern. He added that one beneficiary will be the drinkers and the eaters but not the merchants and other visitors. He questioned why the organizers could not amend the idea and move the closure to the 200 block of South Allen Street, especially since that was the proposed location of the Town Centre and that location would have less hassles.

Mr. Fountaine said from the Borough’s understanding, PennDOT’s next phase on Atherton Street had been delayed until 2021, except for White Course Drive work occurring over Spring Break in March.

Mr. Brown said PennDOT’s surveying and other preliminary planning ran the risk of disruption along the Atherton Street corridor.

Ms. Dauler said she would like to hear from Ms. Kunkel, one of the organizers. She said she thought this application was in a better place than we were originally. She explained she had some questions that unfortunately could not ask during the public hearing. Ms. Dauler asked where the funding for Summers on Allen would come from. Ms. Kunkel said the support came from a grant from the Knight Foundation. She added that the grant that has been recommended and approved was for $135,000. Ms. Kunkel added that the Knight Foundation did a lot of work in various cities. She commented that Centre Foundation maintained the ability to approve the grants. She stated the Knight Foundation was interested in making cities more walkable. Ms. Kunkel said it was not always clear that the funding for this event was coming from a donor-advised grant.

Ms. Dauler asked who was managing the project. Ms. Kunkel said Brad Groznik would be managing the project. Ms. Dauler asked what he would be paid. Ms. Kunkel said those details had not be finalized yet. She said they may need to hire someone to manage the website. Ms. Dauler then asked how much money was being spent on programming? Ms. Kunkel said $5,000 was budgeted. She added that a lot of programming would not be paid for. She mentioned that they had reached out to Schlow Centre Region Library about children’s reading programs on the street. She said another option was Makery classes on the street in the pedestrian plaza. Ms. Kunkel said she envisioned other groups, such as the DSCID or the State Theatre holding performances on the state. Ms. Dauler said there needed to be a significant amount of programming and added it was important to keep the space feeling lively and engaging.

Ms. Dauler said if the event was a success, would funding for subsequent years come from? Ms. Kunkel said the challenge was getting through one year and they had not discussed future years. She added that The Knight Foundation would need to recommend it for additional funding if it was successful.
Ms. Dauler asked how the organizers had planned to measure the success of the event. Ms. Kunkel said they would be talking to the merchants and asking were there more customers in the stores, since it was normally a slow period with the students gone. She said they would be checking with merchants outside the closure to see if their business had changed in any way. She added that they would be taking counts of those people who were attending and whether the events were well attended. Ms. Kunkel said they would also be conducting a public survey at the end of it.

Ms. Dauler said she was concerned that businesses, like Champs and Bill Pickles were sports bar and were not places for families to dine. Ms. Kunkel said the organizers still believed the 100 block of South Allen Street was a much better location. She added that the traffic was much more impacted on the 200 block, especially since South Allen Street was a major thoroughfare.

Mr. Murphy said he walked away from the October presentation with several questions. He said the proposed closure was scheduled to end by midnight on July 3. He said that was the First Friday, which had to be the largest one of the summer. He was concerned about that ending so late and the need to have it opened the next day for the 4th Fest parade. He commented that with the outdoor dining piece, he had some concerns about alcohol consumption. He said he knew that the open container ordinance was not being waived; however, there was still the potential for problems. He stated there needed to be checks and balances in place, so the area did not turn into a public drinking festival. He also mentioned the concerns raised by first responders related to access for fire and/or other emergencies. He commented that the idea of an exit strategy was brought up, he said he was intrigued by that idea. He wanted to confirm that the Borough had the right to revoke or rescind the closure at any time if it was not working out. Mr. Fontaine said there would be no formal agreement, which was much different from a right-of-way agreement. He said Council’s approval could be rescinded at any time.

Ms. Lafer said in reading the emails and letters of concern from Fire Chiefs and Fire Captains, she was very concerned. She commented that State College was defined by The Corner Room and the buildings across the street. She said when alumni return to town, they all want to come back to that corner. She added there were a lot of older buildings with outdated sprinkler systems and an extra 10-15 minutes getting to a fire could mean the end to that entire block. Allen Street was such an iconic street and the loss of that street would be catastrophic. She said after reading the emails and listening to people, she was not convinced that this was fully safe.

Mr. Myers said part of the Strategic Plan, Council had talked about for a couple decades, included more situations/ideas like Council was being asked to consider tonight. The Plan suggested State College come up with places where people could gather. She said the proposal before Council was an experiment, much like the Highlands experiment with the parking. He said just about everyone on Council was in favor of that experiment. Mr. Myers said when he shopped at Woodring’s and/or Rapid Transit, he did not park on the 100 block of South Allen Street. He added that in order to make State College a destination there needed to be some creative, exciting and different things to see and do. He added that if Allen Street was such a concern for fires, cars parked along the street were not going to help the situation to get in closer to a building to fight a fire. He said what was proposed for Allen Street was no different than the Arts Festival or First Night.

Mr. Barlow said the Summers on Allen event was a well thought out proposal. He said he was not in favor of delaying the vote. He commented that this was an experiment Council needed to find out about. He added that only two merchants had objections and he stated it was worth trying.

The motion to postpone the vote failed 6-1 with Ms. Lafer voting against the motion.

Mr. Murphy made a motion to approve the Summers on Allen Street event. Mr. Barlow seconded. The motion failed 3-4 with Mr. Murphy, Mr. Barlow and Mr. Myers voting in favor of the motion.
Planning and Zoning

Certificate of Appropriateness: 517 Hetzel Street

Ms. Lafer made a motion to approve the Certificate of Appropriateness (COA) application. Ms. Engeman seconded the motion.

Mr. Myers said the Historical Architectural Review Board (HARB) had been in effect for just one year and four months and to date, this was only the second application received which required HARB review and a COA. He noted that the one being discussed at this meeting was for the removal of a carport and the previous was for someone who wanted to replace roof materials. He asked staff what the HARB has cost the Borough since its inception.

Mr. LeClear said the retainer fee for Winter & Co. was $1,900 and to date the Borough had paid out $3,800 in review fees. He said he was unable to equate staff’s time; however, it was not very expensive. He said staff had anticipated that they would receive 10 applications in 2020.

Mr. Myers asked who paid for those reviews? He questioned if the money came out of the Borough’s General Fund. Mr. LeClear said there was a cost of approximately $2,000 each time someone applied. Mr. Myers said the HARB Ordinance was something Council should revisit in the future.

The motion passed unanimously.

Official Reports and Correspondence

President’s Report – Mr. Myers said Council met in an Executive Session prior to tonight’s meeting to discuss Personnel and Litigation Matters. Remind fellow Council members this is not the last ever meeting of this Council. Will meet prior to the new Council meeting on 1/6.

Regional Liaisons Reports

Executive – Mr. Myers said the Executive Committee met last week and discussed personnel matters. He commented there would be no General Forum meeting in December.

Finance – Mr. Myers said the Finance Committee was not meeting in December. Their last item of work was on the COG Budget.

Human Resources – Mr. Brown said the Human Resources Committee’s meeting had been cancelled.

Parks Capital – Ms. Engeman said the Parks Capital Committee had not met.

Public Safety – Ms. Dauler said the Public Safety Committee had not met.

Public Services – Mr. Barlow said the Public Services Committee met and discussed the COG Budget.

Transportation and Land Use/MPO – Ms. Lafer said the Transportation and Land Use Committee met and discussed two reports, Affordable Housing and the need to continue working the area’s Comprehensive Water Plan. Ms. Lafer said the MPO met and discussed development along Atherton Street, Potters Mills and the continuation of all the various changes in the region, including the new entrance and exits at I-80 and I-99.

Ad-Hoc Facilities Committee – Mr. Murphy said the Ad-Hoc Facilities Committee had not met.

Centre Area Cable Consortium – Ms. Dauler said the Consortium had not met.

PA Municipal League’s Annual Summit – Ms. Dauler and Ms. Lafer had attended the Fall Summit in Gettysburg and provided updates.

National League of Cities (NLC) Fall Conference – Ms. Dauler and Ms. Lafer also attended the NLC’s conference and provided Council with updates on their activities.

Mr. Barlow said he had not reported on the trip he took to Washington in March where they discussed 5G networks, emissions and the neutrality issue.
**Borough/University Luncheon** – Mr. Myers reported that the Borough met with the University for two luncheons a year and noted there were a combination of folks from the Borough and the University who attended. He said one topic of discussion was the University’s Planning, especially the West Campus development including the parking garage. He commented that Mr. Fountaine provided an update on what was going on downtown. Penn State’s Nick Jones gave an update on Penn State’s recent appointments, their Strategic Plan and their enrollment figures. Mr. Myers said Mr. Fountaine and Damon Sims also gave a Greek Life update.

**Staff/Committee Reports** – Mr. Fountaine said staff had not received any bids for the Sale of Surplus Property at the corner of Woodland Drive and North Atherton Street. He said if Council had no objections, staff would re-advertise the sale in January to see if there was any interest in the property.

Ms. Engeman said when traveling down South Pugh Street the slope on the handicapped ramp was very steep. She asked if there would be any work done on that to improve it. Mr. Fountaine said that was not part of the project scope.

**Special Business**

**Appoint an Interim Mayor**

Mr. Barlow moved to accept Mayor Hahn’s resignation effective at 5 p.m. on December 16, 2019. Ms. Lafer seconded the motion. The motion passed unanimously.

Mr. Myers said the State College Borough was very fortunate in the fact that 11 people had presented themselves to be the Interim Mayor. He commented that much like democracy, it was messy. He noted that although only one of the 11 would be picked, he hoped the other 10 people would remain engaged and committed to making State College a better place.

Mr. Myers explained that each Council Member would have the opportunity to nominate someone before the vote was taken. He said a Council Member did not have to nominate anyone and no seconds to the nominations were necessary. He said there would be no extensions, no recusals and abstaining were recorded as a no vote. He added that each vote was considered a new vote so Council Members could and should vote again.

Ms. Engeman asked if all nominations would be made before any votes were taken. Mr. Myers answered yes.

The Assistant Borough Secretary drew the names in the following order for nominations: Theresa Lafer, Janet Engeman, Cathy Dauler, Jesse Barlow, David Brown, Dan Murphy and Evan Myers.

Ms. Lafer nominated Ron Filippelli. Ms. Engeman nominated Mr. Daubert. Ms. Dauler passed and did not nominate anyone. Mr. Barlow nominated Jim Leous. Mr. Brown passed and did not nominate anyone. Mr. Murphy nominated Jason Browne. Mr. Myers nominated Ezra Nanes.

Mr. Myers called for the vote on Mr. Filippelli. Council voted 6-1 to approve Mr. Filippelli as the interim Mayor. Mr. Murphy voted against the nomination.

Mr. Myers said the new interim Mayor was Ron Filippelli. Mr. Filippelli’s swearing-in ceremony will be held on Tuesday, December 17, at Noon and the community was invited to attend the short ceremony and reception. He thanked everyone who participated in the process.

**Adjournment**

There being no new business to discuss, the meeting adjourned at 8:14 p.m.

Respectfully submitted,
Sharon K. Ergler
Assistant Borough Secretary