

**Meeting Minutes**  
**State College Borough Council**  
**Regular Meeting**  
**January 13, 2020**

The State College Borough Council met in a regular meeting on Monday, January 13, 2020, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Filippelli called the meeting to order at 7:01 p.m.

Present:           Ronald L. Filippelli, Mayor  
                      Jesse L. Barlow, Council President  
                      Deanna M. Behring  
                      Janet P. Engeman  
                      Theresa D. Lafer  
                      Peter S. Marshall  
                      Dan Murphy  
                      Evan Myers

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Sharon K. Ergler, Assistant Borough Secretary; Genevievre Miller, Student Representative; Douglas Shontz, Communications Specialist; Edward LeClear, Director of Planning and Community Engagement; John A. Gardner, Chief of Police; Deborah A.S. Hoag, Director of Public Works; Thomas R. King, Assistant Borough Manager for Public Safety; Dwight Miller, Director of Finance; P. Rick Ward, Director of Parking; Greg Garthe, Senior Planner; Alan Sam, Environmental Coordinator; Isabel Storey, Planner; interested residents and members of the media.

**Public Hearings**

Petition to Vacate Fox Alley between 420 and 448 East Prospect Avenue

Mayor Filippelli opened the public hearing at 7:01 p.m.

Mr. David D'Agostino, 448 East Prospect Avenue and the vacation petitioner, said he had been working on the vacation for over 2 years and the fraternity next-door had refused to join the request.

Mayor Filippelli closed the public hearing at 7:02 p.m.

Petition to Vacate Norma Street between East Marylyn Avenue and Property Owned by the State College Friends School

Mayor Filippelli opened the public hearing on the petition to vacate a portion of Norma Street at 7:03 p.m.

No one in the audience wished to speak during the public hearing.

Mayor Filippelli closed the public hearing at 7:02 p.m.

Conditional Use Application for the Core Spaces Signature Development at State College

At the request of the Borough Solicitor Terry Williams, Ms. Heather Boring, of Boring Court Reporting swore in all the applicants.

Solicitor Williams opened the public hearing at 7:04 p.m.

Mr. Garthe distributed the exhibits to Council and the applicant. He entered into the record the Overview of Facts for the case, the criteria for the conditional use and he explained how the applicant's project met, exceeded or did not meet the criteria. He also noted how the Planning staff was working with the developer(s) to meet the criteria.

The applicant to the case was represented by Jeffery W. Miller, Esquire. Mr. Miller had no questions for Mr. Garthe.

Mr. Marshall asked Mr. Garthe if he had any idea how many students would be housed there? Mr. Williams told Mr. Marshall before the record was closed, he would try to get an answer from staff.

Ms. Lafer said she thought the signature area had been rolled back further than it was and no balconies were mentioned in the facts presented by Mr. Garthe. She asked Mr. Garthe whether the windows were openable? Mr. Garthe said he did not believe so. Ms. Lafer pointed out that despite the developer saying they were multi-family residential apartments they were being designed as student housing. Mr. Garthe said that he would let the applicants address that question. Ms. Lafer commented that multi-family, young professionals, families with kids and faculty coming in were not going to want to live in the building if there were going to be students. She wondered if they were being asked to approve a new area downtown that was co-op owned and often rented to students, not necessarily undergrads, or if it would be another student high-rise.

Mr. Williams said that Mr. Miller would provide comment through his witnesses.

Mr. Garthe said to answer Ms. Lafer's question Council should look at Page 2 Exhibit 5 that showed where the signature developments were permitted.

Mr. Barlow mentioned he saw they were pursuing LEED (Leadership in Energy and Environmental Design) certification and to what level do they expect to be awarded that?

Mr. Myers asked if it would be proper to deny conditional use based on who lives in the building? Mr. Williams said it would not.

Mr. John Soliskoe, Design Architect, said there were 172 total parking spaces and 9 retail spaces available to the public. He answered Ms. Lafer's question stating the windows were able to be opened. He went over all of the different types of units that would be available in the building at different price points. He stated that it would be a base LEED building.

Mr. Williams said that in prior conditional use projects, high-rises facing the street were required to have fixed windows. He asked if their intent was for the windows to be openable? Mr. Soliskoe said that they were aware of the situation, 4' openings with a limiter would be what they were proposing. He said the exposure to the exterior was extremely minor.

Mr. Myers said that what he was most interested in with any new building construction was the streetscape, setback and ability for wider sidewalks. He said State College had ever growing density downtown and wanted to commend them for adding that in and hoped others would do the same.

Mr. Barlow said he wanted to commend them for pursuing LEED Certification downtown.

Ms. Lafer said she had some concerns about the windows. She asked which way they would open and, regarding parking, how did the space-to-person ratio make sense? She asked where all the extra cars would be held, commenting it would be a potential problem with a disastrous move-in day.

Mr. Chip Schell, Vice-President of Core Spaces, went over the four demographics in which they intended on marketing the building to which were professionals, non-students and graduate/undergraduate students. He also reviewed how they intended to market the building to a different audience other than just undergraduates and what they planned to do about the buildings being replaced.

Mr. Myers said there had to be a specific number of inclusionary units provided in any structure over 6 units. He asked how many that might be and where would they be located? Mr. Williams suggested calling the Planning Director up in hopes of getting an answer to that question.

Mr. Murphy asked Mr. Schell to share the population mix of both Portland and Tempe. Mr. Schell responded stating in Portland 30% of residents in the building were regular residents and in Tempe it's about 70% students 30% regular residents. Mr. Murphy asked Mr. Schell if they would be offering leases by the unit, bedroom or bed. Mr. Schell answered it would be by the person.

Mr. Murphy asked Mr. Schell if he was aware of the graduate stipend rate at Penn State, how many students receive aid, and what the average starting salary was at Penn State University? Mr. Schell answered he did not.

Mr. Miller called Mr. Mark Gohousen, Senior Development Manager with Core Spaces, as a witness.

Mr. Gohousen noted they were opting to go the fee-in-lieu route on the project and said the calculation was that 13.5 units would be affordable housing.

Mr. Marshall called the Planning Director, Mr. LeClear, to the podium for clarification.

Mr. LeClear said that there would be \$1.7 million contributed to the housing program at the Borough. He then addressed Mr. Marshall's question about how many apartments were being added stating there would be 4,200 beds through 2020 for downtown.

Mr. Williams asked if anyone from the audience who wanted to address Council about the application.

James Graef, 300 West Fairmount Avenue, said he wanted to move past the idea that every student was driving their own car to school. He said he was all for adding more housing; however, he had a problem with the zoning code for the development regarding the level of the first floor/retail area.

Mr. Marshall commented that Mr. Graef's observations were good and thanked him for them. He said there were marketing issues about what could actually get into retail, but his comments were appreciated.

Pat Vernon, a resident of College Township, said Core Spaces was one of the better companies doing the development. He asked if the building was in the opportunity zone, why fee-in-lieu of the inclusionary housing was being used and where would it be located? He added State College had quite a bit of retail in the newer high rises being built, but he had a problem with the newer retail because mom-and-pop shops would not be able to afford rent at the newer places.

George Otto, 131 Oak Point Circle, said his house faced the Retreat Development and the pool deck needed looked at carefully as there could be nuisances coming from it.

Candace Bradley, President of State College Young Professionals, said the ordinance requiring fee-in-lieu was a great concept and they market it as affordable; however, it was not very realistic to tell someone they should try and live downtown. She said they should have had a more realistic plan in regards to affordability.

Ms. Lafer thanked Ms. Bradley for her efforts to make things work.

Mr. Williams closed the record at 8:14 p.m.

Mr. Williams told Council the written decision would come back for review and consideration of approval at the March 2 regular meeting.

Mayor Filippelli said that the two vacation issues that were brought up in prior meetings would be dealt with at the February 3 meeting.

Mr. Myers said a couple of points brought up were important to consider; one being about where the pool was situated and the impact it might have on the surrounding areas. He added Council needed to

understand how that was put in the decision. He said that regarding inclusionary housing, there needed to be more affordable places for people starting out.

Ms. Lafer noted she researched what was considered affordable housing in State College. She said there needed to be better options. She thought retail and modern up-to-date office space was extremely important.

Mr. Murphy said that he would like items in the conditional use documents laid out by staff. He noted maintaining pedestrian access during construction was important as well as having two lanes of traffic open at all times.

Mayor Filippelli commented that as a resident, he would like a condition added to continue the flow of traffic on Hetzel Street.

### **ABC Work Plans/Special Reports**

Tree Commission – Lynn Herman, Chair of the Tree Commission, presented their recent activities and proposed 2020 Work Plan.

Design Review Board – Chairman Laird Jones presented the Design Review Board's proposed 2020 Work Plan.

Transportation Commission – Hugh Mose, Chair of the Transportation Commission, presented an update on the Commission's recent activities and their proposed 2020 Work Plan.

Mr. Myers commented on the exploding modes of transportation with rental scooters/bicycles and was wondering how people discarding them all over the place would be handled?

Mr. Mose said that he hoped it could be addressed; however, they were not yet legal in PA.

Ms. Lafer asked Mr. Mose about the changing demographic numbers for students coming to campus with their cars. Mr. Mose said that data showed people were driving less and purchasing cars in fewer numbers.

Mayor Filippelli said that this scooter/bike trend was exploding and put more stress on traffic control; it also was extremely dangerous to pedestrians. Mr. Mose stated it would be problematic and staff had many concerns.

Mr. Barlow commented he witnessed how much of a problem it was near the Westgate Building every day.

Planning Commission – Zoe Boniface, Chair of the Planning Commission, presented the Commission's proposed 2020 Work Plan.

### **Public Hour**

Katharine Watt, West Hamilton Ave, had emailed information to Council about the West Campus Steam plant expansion project and how it was incompatible with goals to reduce greenhouse gas emissions. She asked that Council ask the Board of Health to investigate the project.

Pat Vernon, a College Township resident, urged Council to ask for more from land developers and work on leading the University to exit the new 1700 car garage onto Blue Course Drive. He also asked to remove the Student House License idea as well as add a real estate professional to the Real Estate Advisory Committee.

## Consent Items

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

- Approve, *with conditions*, the closing of the 200 block of South Allen Street (between the entrance to the Schlow Memorial Library Parking Lot and East Foster Avenue from 6:00 a.m. on Saturday, April 24, 2020 until 2:00 a.m. on Sunday, April 25, 2020 for the Monster Energy Up & Up Festival and approve a Noise Waiver for this event. The hours of the actual festival were from 3:30 p.m. to 8:00 p.m. on Saturday, April 24, 2020. The rain date for the event was Sunday, May 2, 2020.
- Approve the Centre Region Council of Governments Alternate Delegate Voting Rights Policy for 2020-2021.
- Appoint/Reappoint the following individuals to the various Authorities, Boards, Commissions and Committees:

Reappoint	Jon Eich	Centre Regional Planning Commission	December 31, 2021
Reappoint	Zoe Boniface	Centre Regional Planning Commission	December 31, 2021
Appoint	Jesse L. Barlow	Centre Area Cable Consortium	December 31, 2021
Reappoint	Thomas E. Daubert	COG Steering Committee for Centre Region Parks & Recreation Plan	December 31, 2021
Appoint	Peter S. Marshall	Downtown State College Improvement District	December 31, 2021
Reappoint	Janet P. Engeman	Spring Creek Watershed Commission	December 31, 2021

- Accept the resignation of James Dunn, with regret, from the Centre Region Parks and Recreation Authority, effective immediately.
- Approve vouchers and payroll for the month of December 2019 in the amount of \$2,722,248.70.
- Reappoint Thomas E. Daubert as the Borough Historian with a term ending on December 31, 2021.
- Receive and refer the request to amend the Zoning Ordinance limiting attached garages to three-car bays back to the Planning Commission for a recommendation by March 6, 2020.
- Receive and refer a request to rezone a portion of 732 East Marylyn Avenue to the Planning Commission for review and recommendation by March 6, 2020.
- Accept the resignation of Ron Filippelli, with regret, as the Chairman of the Zoning Rewrite Advisory Committee.
- Approve the 2020 Work Plans for the Tree Commission, Design Review Board, Transportation Commission and the Planning Commission.

## **General Policy and Administration**

### Summers on Allen Street Closure

Mayor Filippelli stated all comments that were sent in were handed to Council Members who would consider all comments.

Jim Erickson, 431 West Fairmount Avenue, said he believed the benefits of Summers on Allen outweighed the negatives.

Steve Albert, a local business owner on the 100 block of South Allen Street, asked Council to not approve the event. He added that the Arts Festival already cut down his business by 10% each July and the closing of the 100 block of South Allen Street would be the death to a business, such as his.

Faith Lucchesi, Counsel for some of the 100 block of South Allen Street businesses, said that the businesses were town assets. She commented that many business owners were frightened because summers were always difficult on downtown businesses with the students being gone.

Matt Kisenwether, a representative for Rapid Transit Sports located on the 100 block of South Allen Street, asked that Council delay its vote on the application. He explained that his concern was about where all the grant money was going when there was only \$5,000 proposed to be spent on programming for the event.

Amy Frank, 714 West Fairmount Avenue, Chair of the Retail Advisory Committee and owner of The Makery at 209 West Calder Way, said the Retail Advisory Committee strongly supported the event and had agreed to work closely with the Groznik PR firm to ensure that the programming was successful.

Melaine Miller, 144 Aikens Place, said she had heard a lot about parking and transportation and commented she was pleased to hear and feel like pedestrians were a priority and urged Council to support the proposal.

James Graef, 300 West Fairmount Avenue, said he thought Summers on Allen was a good thing for the residents and he hoped that Council approved the plan.

Bill Joseph of First National Bank, located on the 100 block of South Allen Street, said he had concerns with mobility of customers that come into the offices near and on Allen Street. He brought up a lot of concerns with safety and asked Council to say no to the event.

Jeremy Frank, CFO of KCF Technologies, said that he appreciated that State College was so welcoming to new businesses. He said that he wanted Council to do this to attract people into town so the community could thrive.

Roy Love, a Chiropractor in town for 34 years, said that they need more programming at Summers on Allen that appealed to a wider variety of people. Also, he said it was important that the businesses were successful and if they were not, then they had failed.

Evon Gingerich, who lives on Waupelani Drive, said she agreed with the man who spoke before her, it would be a great way to bring uniqueness back to State College.

Molly Kunkel, the Executive Director of The Centre Foundation along with Groznik PR, said there was a sample flyer up on Facebook. She also went over a budget breakdown of the event and addressed some concerns that members of the community had.

Geoff Brugler, the owner of Appalachian Outdoors on the 100 block of South Allen Street, said that business ownership was challenging, and Council should give it a try. He said summers were already

slow for business and events were great. Mr. Brugler stated that businesses already benefit from Art's Festival, so why not give this a try.

Jacob Loverich, former VP of KCF Technologies, said that a big way they recruited employees to the area was based on walkability and being downtown and Summers on Allen directly supported that.

James Tierney, 320 East Waring Avenue, a partial owner of Happy Valley Improv, said they would love to do some family-friendly activities during Summers on Allen. He added State College should investigate innovative ways to be profitable.

Nathan Woodman, KCF Technologies, said KCF wanted to recruit community-building talent to the area and this would be a great opportunity to bring people into State College.

Jay Meashey, former Chair of the CDBG Citizens' Advisory Committee, said he spent a lot of time learning about community development and was speaking in support of Summers on Allen.

Brad Groznik, of Groznik PR, went over the programming for Summers on Allen. He said without the community's support, this could not be the success we want it to be.

Steve Albert said he had noticed the majority of those that had businesses on Allen Street were opposed and those who did not were in favor.

Mr. Filippelli asked Mr. Williams about the legality of Council's Home Rule Charter.

Mr. Williams said Council was never bound by what has gone on in the past. He said it was not a reconsideration, it was a regular consideration.

Mr. Myers moved to adopt the plan as outlined in the agenda. Mr. Murphy seconded.

Mr. Myers commented that State College was no longer referred to as a town but as a city. He said the project fit into the strategic plan of growth outlined by Council several years ago. He pointed out it was Council's responsibility to do what was best for the entire community and said he would vote to support it.

Mr. Barlow said he approved of this and did indeed recognize the risks.

Ms. Engeman said that she did not like to approve something if she did not know how it worked. She added it was an 8-week experiment was a long time and it could have devastating results.

Ms. Behring thanked everyone who came out. She said she was in support of the proposal. She said it met the goals of what the community would like to achieve.

Mr. Murphy thanked everyone who came out in support. He said this plan was one of the most well put together proposals in his two years on Council. He stated his concern was over programming. He said he was interested in permanently closing Allen Street, so this experiment was important.

Mr. Marshall stated his concerns with the proposal and went over the results of a survey that he had put together and asked for business owners' input. Council Member Marshall presented the other members of Council with the results of a survey of the businesses on Allen Street which indicated that 9 businesses strongly supported the closing and that 7 businesses had serious concerns about the closing and 6 of those seven objected to the closing for eight weeks. He said that he was not in favor of the proposal.

Mr. Marshall moved that the proposal for Summers on Allen be approved with these certain conditions:

- Be limited to a period beginning on Memorial Day and concluding July 3, only 1 month instead of 2.
- Applicants should have performance measurements methods by March 16.

- Add an additional condition to require the Downtown State College Improvement District to provide a written report 60 days following the conclusion to determine the success of the event.
- Applicants would provide a detailed budget along with a plan of the activities and calendar intended to attract citizens to downtown.

Mr. Marshall also asked that the Public Safety Plan be approved by the Fire Department and Ambulance Company be submitted by March 1 for approval.

Ms. Engeman seconded the motion.

Ms. Behring asked the planners of the project if the initial part of the amendment to reduce the timeframe would be considered enough to gauge full potential impact.

Ms. Kunkel said that it would not be enough time. She said that part of the success was having it there long enough for everyone to visit.

Mr. Murphy said that the amendments as presented moved Council beyond the realm of policy and the work of staff.

Mr. Barlow said the time restrictions would significantly inhibit the project. He said he opposed the amendment.

Mr. Myers agreed with Mr. Murphy. He said he did not see why a non-scientific study was being used as evidence to why they needed to do this. He said he was not going to vote in favor of the amendment.

The motion to adopt the amendment to the project failed 2-5 with Mr. Marshall and Ms. Engeman in favor of the amendment.

Ms. Lafer brought up her concerns with the project and said that she could not vote in favor of the project.

Ms. Miller noted the conversation was surrounded by circumstantial ideas of what might happen. She said Council should just vote on the proposal.

The motion carried 4-3 with Ms. Lafer, Mr. Marshall and Ms. Engeman voting against the motion.

### **Official Reports and Correspondence**

Mayors Report - Mr. Filippelli said he had issued a Proclamation declaring January 21 as the National Day of Racial Healing in the State College Borough and urged all citizens to promote racial healing and transformation in the ways that were best suited for them individually, as a means to working together to ensure the best quality of life for every child.

President's Report - Mr. Barlow said Council met in an Executive Session prior to the meeting to discuss personnel, real estate and litigation matters.

Mr. Barlow also announced the following COG Committee Appointments/Alternates:

Executive Committee	Jesse Barlow	Evan Myers
Public Safety	Dan Murphy	Peter Marshall
Finance	Evan Myers	Dan Murphy
Human Resources	Peter Marshall	Theresa Lafer
Public Services & Environmental	Deanna Behring	Janet Engeman
Transportation & Land Use/MPO	Theresa Lafer	Jesse Barlow
Parks Capital	Janet Engeman	Deanna Behring

Manager/Staff Report – Mr. Fontaine said attached to the agenda packet was the Conflict of Interest Policy and Code of Conduct regarding HUD Programs. He added that Council members were asked to review the policy so that no conflicts of interest occur in the coming year.

Mr. Fontaine advised Council that the Borough applied for the Green Light Go Program. He said the project involved traffic signals at 21 different intersections within the Borough. He noted it would improve communication and operate with more artificial intelligence.

Student Representative Report – Ms. Miller did not have anything to report because the students had just come back from break.

### **Adjournment**

Mr. Myers made a motion to adjourn the meeting. Mr. Barlow seconded. The meeting adjourned at 10:47 p.m.

Respectfully Submitted,

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Sharon K. Ergler  
Assistant Borough Secretary