

Meeting Minutes
State College Borough Council
Regular Meeting
March 2, 2020

The State College Borough Council met in a regular meeting on Monday, March 2, 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; 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; Roger A. Dunlap, Assistant Borough Manager; Dwight Miller, Director of Finance; P. Rick Ward, Director of Parking; Stacy E. Hall, Administrative Assistant; interested residents and members of the media.

Special Reports

Coronavirus Update

Mr. Brian O'Donnell, Health Ordinance Enforcement Officer for the Borough and surrounding townships, provided Council with a handout regarding the Coronavirus (COVID-19) and reviewed it in detail. He noted an information sheet would be uploaded to the Borough's website from the Centers for Disease Control (CDC), Pennsylvania Department of Health and the Borough's Health Department. Mr. O'Donnell reported Mt. Nittany Health had a plan for an outbreak of the virus and would be utilizing the same protocol as used for the H1N1 virus a few years back. He added the State College Area School District had also enacted its Emergency Management Plan along with providing each classroom with tissues and hand sanitizer.

Ms. Engeman asked if students returning to the United States from Italy would be quarantined and checked to make sure they were not carrying the virus? Mr. O'Donnell answered yes, and they would be quarantined for 14 days. Mr. Myers asked if there were less people to work because of being sick, would it be best to have a skeleton crew to keep people from spreading the sickness? Mr. Myers commented that if the schools closed, folks might have to stay home. He asked if planning was taking place to ensure emergency and essential services would still be able to operate? Mr. Fountaine assured Council the Centre Region had a plan for the continuity of operations. He did say the guidelines should be refreshed and exercised through. Mr. Myers added it would be good to know the guidelines once they were refreshed. Ms. Lafer asked if State College had an outbreak, was there something above and beyond Mt. Nittany Health for that many people? Mr. Fountaine said yes, and shelters were a part of the Emergency Management Process and Plan.

Task Force on Mental Health Crisis Services Update

Dr. Patricia Best, Chair of the Mental Health Crisis Services Task Force, provided a brief overview and update of the Task Force's work. The report was for information only and no action of Council was required. Dr. Best reported a consultant was hired to assist in getting the Task Force up and running. She noted three components to the process. She said the first would be to gather data, and the

consultant would provide a report later in the month. She noted the second component would be analysis of the gathered data followed by the third component which would be writing out a plan. She noted the plan would be an easy read. She concluded by stating the Task Force was not running a sprint or a marathon, but rather a relay with each member doing their part. She pointed out there was much more work to do and welcomed comments and questions which she would take back to the group.

Mr. Marshall asked if the Task Force would be divided into subcommittees with such a large group? Dr. Best answered they would be breaking into six groups of seven people. She added each group would have a facilitator, a scribe and a resource person. Mr. Barlow asked if the groups would be broken down so there were even mental health experts versus community members? Ms. Best answered yes. Mr. Myers commented Council had made a commitment to work towards solutions and he appreciated Dr. Best's role in accepting the challenge of moving the Task Force forward. Mr. Murphy asked if there was a mechanism if during development something was discovered that needed immediate action or attention, to be brought to Council sooner rather than later? Dr. Best said of course the Task Force would do that. Mr. Murphy inquired if when looking at the path of those who had been receiving ongoing care as they reenter crisis, was that a pathway into the areas being explored? Ms. Best assured Mr. Murphy that would be looked at as the Task Force moved through the process. Mr. Murphy thanked her for her leadership.

Centre Region Parks & Recreation (CRPR) Comprehensive Plan

Mr. Fontaine announced Tom Daubert, the Borough's representative to CRPR's Master Plan Committee, would update Council on CRPR's Comprehensive Plan. He added at COG's January 27 General Forum meeting, the Comprehensive Plan was referred to the Centre Region municipalities for review and comment and all municipal responses were due to the COG Executive Director by March 17. He said Council was asked to complete its review and provide final comments at the March 16 regular Council meeting. He reminded Council there was a 10-page summary included with the agenda packet. Mr. Daubert gave a brief summary of the planned surveys regarding the Borough parks. He reported most people agreed the parks were of great benefit and the comments were complimentary with suggestions for additions and improvements. He reviewed the top five areas of interest which were to maintain park areas and facilities, develop trails and greenways, develop walking/biking connections, conserve open space and rehabilitate older parks. He said the CRPR Plan would prioritize addressing the maintenance and capital improvements of all the parks which included fences, play equipment, picnic tables and restrooms. He added they would actively support the Action Sports Park and participate with COG in planning the Whitehall Road Regional Park. He pointed out State College does not have or necessarily need a Parks and Recreation Committee; thus, Council would be responsible along with Borough staff's support to take care of the parks. He said COG did not want to continue the Parks Capital Committee and change the Parks and Recreation Board to include elected officials from each municipality in the community. Ms. Lafer commented the vast majority of people were looking for paths to see nature. Ms. Behring pointed out Millbrook Marsh was under financial strain, but having great data showing its popularity would help Council in the decision-making process. Mr. Fontaine reminded Council they would be asked for final comments at the March 16 meeting and those comments would be sent on to COG.

Highlands Parking Pilot Program

Mr. Fontaine noted Borough staff would provide a preliminary report on the data from the first year of the Highlands Parking Pilot Program, and included in this report was a historical summary of the overnight parking issue in the Highlands Neighborhood and how the current Parking Pilot was developed.

He reminded Council the report was an interim report only and would not include an in-depth analysis of the data, but staff would provide a more comprehensive report at the end of the second year to determine the viability of the Pilot's long-term sustainability.

Mr. Ward gave a history of the Parking Pilot to Council and reviewed the first year in detail. He pointed out that signage was one of the most important aspects of the pilot. He outlined the program regulations

in detail and reviewed the permit software functionality which caused some challenges within the program. He added there was not enough time to build a strong software solution, so ParkMobile was used. Mr. Ward reviewed several charts outlining on-street data collections. He talked about times when on-street parking restrictions were lifted in residential areas for special events. He noted toward the end of 2019 the number of cars parked on lawns increased due to the amount of the fine versus what it would cost to park. He reviewed staff resources necessary for running the program along with statistics and revenues. Mr. Ward stated staff met with the Highlands Civic Association who provided them with recommendations for the program which were taken into consideration for the future of the Program.

Mr. Murphy asked how much was collected for lawn parking citations? Mr. Ward did not have an exact figure, but stated it was close to 70 percent. Mr. Murphy asked for more details so Council could explore lawn parking citations.

Public Hour – Hearing of Citizens

Mr. Duke Gastiger, 400 West Foster Avenue, commented Borough residents should be thankful for the Mental Health Task Force and he considered himself informed and involved.

He also spoke about a situation this past summer when Council considered allowing a liquor license to be brought in from outside of the Borough. He said he owned a liquor license and had to pay \$10,000 to have it renewed for another year. He pointed out it had no value as far as the state was concerned, only market value. He added the time for financial reward was when the business was sold, but he was not allowed to sell his business. He voiced his frustration that when another liquor license comes into the Borough, it takes money out of his pocket. He asked during this period of growth that Council instruct new licensees to contact people who presently hold liquor licenses before bringing new licenses into the Borough.

Consent Items

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

- Approve the use of the Dr. Martin Luther King, Jr. Plaza, from 4 p.m. to 9:30 p.m., on April 3, May 1, June 5, July 3, August 7, September 4, October 2, November 6, and December 4, 2020, for the Downtown State College Improvement District's First Friday activities.
- Approve *with conditions* the closure of various roads for the 2020 Penn State Marines Association 5K on Sunday, April 26, 2020, from 9:30 a.m. to 1:30 p.m. to promote awareness and change for suicide among students and veterans.
- Approve *with conditions* the use of the Dr. Martin Luther King, Jr. Plaza on Wednesday, May 13, 2020, from 6 p.m. to 10 p.m. for the Centre Foundation Centre Gives Event to encourage community *giving* and to highlight and support the great work of local nonprofits.
- Approve *with conditions* the use of the Dr. Martin Luther King, Jr. Plaza, along with the closure of the 100 block of South Allen Street and the partial closure of West Calder Way (between Kelly Alley and South Allen Street) on Saturday, May 16, 2020, from 10 a.m. to 6 p.m. for the third annual JAM Fest.
- Approve *with conditions* the use of various Borough sidewalks on Sunday, October 11, 2020, from 2 p.m. to 4 p.m., for the annual CROP Walk to raise funds to alleviate hunger both locally and worldwide.
- Approve *with conditions* an exception to the Open Container Ordinance and the Pop-Up Ave Spring and End of Summer Market Events scheduled for the 100 block of South Fraser Street

and the use of Dr. Martin Luther King, Jr. Plaza on Saturday, April 25, and Saturday, August 29, 2020.

- Reappoint Ryan Solnosky, Ph.D.,P.E. to the Centre Region Building and Housing Board of Appeals for a three (3) year term commencing on February 25, 2020.

Planning and Zoning

Ordinance to Vacate Fox Alley Between 420 and 448 East Prospect Avenue

Mr. Fontaine noted Mr. David D'Agostino of 448 East Prospect Avenue had petitioned the Borough to vacate a segment of Fox Alley between East Prospect Avenue and the rear of his property. This portion of the alley was never ordained by Borough Council. Following the street and alley vacation process in Chapter XVI: Streets and Sidewalks of the Borough Code of Ordinances, the applicant submitted the necessary materials to initiate the vacation process. The standard process required the signatures of all property owners abutting the alley. However, the applicant reached out to the owners of the neighboring 420 East Prospect Avenue but was informed they did not wish to vacate the alley.

He continued that on November 18, 2019, Council referred the request to the Planning Commission (PC) for a recommendation. The PC recommended vacating the entire width of the alley, not just the half that abuts Mr. D'Agostino's property. He said Council could accept and act on that recommendation at its discretion.

He reported on January 13 Council held a public hearing to receive input on the proposed vacation, and no unfavorable comments were received. He stated staff recommended Council adopt the Ordinance to vacate the entire width of Fox Alley, between East Prospect Avenue and the rear property line of 448 East Prospect Avenue.

A roll call vote was taken and by a vote of 7-0 Council approved the adoption of the Ordinance to vacate the entire width of Fox Alley, between East Prospect Avenue and the rear property line of 448 East Prospect Avenue.

Review of Draft Decision on the Conditional Use Application for the Core Spaces Signature Development at State College

Mr. Fontaine announced an application for a conditional use permit for the development of a project known as the "Core Signature Development" had been filed with the Borough by the developer, Core Spaces. The proposal was to consolidate three parcels at the corner of East College Avenue and Hetzel Street and build a 12-story mixed-use building. The Borough's Zoning Ordinance and the PA Municipalities Planning Code requires a public hearing on the application, and Council must take action to approve or deny the application within 45 days following the hearing. He said on February 3 Council reviewed a draft decision based on the record from the January 13 public hearing and the Solicitor prepared a revised decision for Council's review based on Council's direction at the February 3 meeting. He said staff was recommending Council take final action to approve or deny the conditional use permit and no additional testimony would be taken.

Mr. Myers noted it seemed as though every provision was put forward except for the one Council accepted and he thanked the Solicitor and developer for that.

Ms. Lafer made a motion that Council approve the Conditional Use decision. Mr. Myers seconded the motion, and all were in favor.

Proposed Rezoning Amendment for a Portion of Tax Parcel 36-26-022

Mr. Fontaine noted on January 13 Council voted to refer a rezoning request for a portion of Centre LifeLink's property (Tax Parcel 36-26-22) to the Planning Commission (PC) for review and recommendation. He added the PC reviewed the item at its January 23 and February 5 meetings

recommending approval and staff recommended Council vote to receive the PC's report and schedule a public hearing for April 6 and to give its intent to enact the rezoning amendment on April 6 or a later meeting.

Mr. Barlow made a motion to receive the PC's report and schedule a public hearing for April 6 and to give its intent to enact the rezoning amendment on April 6 or a later meeting. Mr. Myers seconded the motion, and all were in favor.

Proposed Rezoning Amendment to Allow Exceptions for Private Garages at Single-Family Dwellings on Large Lots in the Residence 1 (R1) Zoning District

Mr. Fontaine reported on January 13 Pan Michaleris, owner of a single-family home located along Penfield Road submitted a request for a zoning text amendment that would allow him to park a vehicle in an additional bay of his attached garage currently enclosed and used for storage, and Council voted to refer the request to the Planning Commission (PC) for review and recommendations. He noted the PC reviewed the item and supported the request and reviewed several potential approaches that would allow larger capacity private garages. He said the PC expressed a desire to limit the impact to the amendment to the R1 zoning district to minimize unforeseen consequences in other districts.

He said staff recommended Council vote to receive the PC's report and schedule a public hearing on April 6 and to give its intent to enact the rezoning amendment on April 6 or a later meeting.

Ms. Lafer asked if it would only be possible in oversized lots and was there a way to carry it into smaller lots? Mr. LeClear answered it was only R1 which was very limited to at least a 25 square foot lot.

Ms. Engeman made a motion to receive the PC's report and schedule a public hearing on April 6 and to give its intent to enact the rezoning amendment on April 6 or a later meeting. Ms. Lafer seconded the motion, and all were in favor.

Neighborhood Sustainability Program: Property Acquisition Transition & Line of Credit Balance Payment Decision

Mr. Fontaine reported the Neighborhood Sustainability Program (NSP) began in April 2014 with the establishment of a three-year, \$5,000,000 line of credit (LOC) to be used to acquire homes to encourage diversity in the Borough's neighborhoods by reducing the concentration of student housing. He added the State College Redevelopment Authority (RDA) was established as the agency responsible for implementation of the program and at the time of the program's establishment, Council also created a Real Estate Advisory Committee (REAC) to evaluate the operation of the program, provide an annual report, along with recommendations on the program. He noted in April 2014, Borough Council approved a surety agreement backing the RDA's \$5,000,000 line-of-credit to implement the program, and in March 2017, Council approved a surety agreement for a renewed three-year line-of-credit to run until 2020. He pointed out the current line of credit with Fulton Bank to fund the program would expire on June 1 with a total remaining balance of \$429,910.13.

He continued, the REAC and RDA met in a joint meeting on July 24, 2019, to discuss recommendations for the evolution of the program and the termination of the line-of-credit, and both boards recommended transitioning the program away from acquisition and resale of properties to a program that purchased the Student Home Licenses and extinguished the zoning permit for the Student Home use. He said the RDA also recommended repayment of the line-of-credit by June 1 through an internal loan with the Borough, and continuation of the NSP program with future revenue dedicated to the RDA.

He concluded by stating staff was recommending Council to approve an internal loan to the RDA in the amount of \$429,910.13 to pay off the balance of the bank line-of-credit. He added no action was required at this time; however, after Council's discussion of the report, this issue would be included as an action item on the March 16 agenda.

Mr. LeClear presented a slide presentation outlining the program in detail.

Ms. Lafer thought the program had been abused and the holder of the loan needed to be changed. She said she was willing to support the change in who held the loan and how it was paid back. She added she was against paying people to give up their licenses and another way needed to be found to make the homes available and redefine what the program was supposed to do.

Mr. Marshall commented \$1.6 million was spent and the cost per unit was \$114,000 which was reasonable for housing in State College. He said a loan program with a 20% down payment requirement would not reduce the number of student houses. Mr. Fountaine clarified the program's primary purpose was to reduce the number of student houses to create more diversity within the neighborhoods. Mr. Murphy said he would like Council to rethink how diversity was spoken about and diversity was not achieved by taking away affordable student housing. He asked if the approved millage increase was to cover the cost of the program? Mr. Fountaine answered it was for the new model RDA funding and the goal of the program was not to have more single-family homes, but to have a balance of student housing and owner-occupied homes. Mayor Filippelli noted the program was also intended to build the tax base of the Borough which was augmented by having permanent residents.

Official Reports and Correspondence

Mayor's Report – Mayor Filippelli reported he recently performed a wedding which he found enjoyable. He said he spoke at the Community Forum on the Census and stressed how important the 2020 Census was to the Borough and urged everyone to participate. He noted he read two wonderful little books to a kindergarten class. He said spoke with a group of students from UPUA and had a great interaction with them. He added he took a tour of the Glennland Building which was being renovated into an extended-stay hotel and stated it was really going to be a great addition to the Borough when finished.

President's Report – Mr. Barlow reported Council met in an Executive Session prior to the meeting to discuss personnel, litigation and real estate matters. He also said how important the 2020 Census was to the Borough and urged everyone to participate. He read a letter from concerned citizens about a Confederate Flag being displayed at the Boalsburg Memorial Day Parade that made several spectators uncomfortable and did not stand in line with the values of Harris Township. Mr. Barlow said he and Mayor Filippelli were in support of the letter and urged Council to support it as well.

Manager/Staff Report - None

Student Representative Report – Ms. Miller announced the UPUA passed a Resolution to support transitioning Pennsylvania to 100 percent renewable energy by the year 2050. She said they also passed a Resolution in support of #notagainsu which was a movement by Syracuse University (SU) to stop student violence. She added this movement was not supported by SU administration; therefore, the students were reaching out to other universities for support.

Adjournment

There being no further business to discuss, Ms. Lafer made a motion to adjourn the meeting at 9:10 p.m. Mr. Barlow seconded the motion, and all were in favor.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary

Prepared by Stacy E. Hall, Administrative Assistant