

Meeting Minutes
State College Borough Council
Regular Meeting
February 4, 2019

The State College Borough Council met in a regular meeting on Monday, February 4, 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; Edward LeClear, Planning Director; Thomas Dougherty, Student Representative; Dwight Miller, Finance Director; P. Rick Ward, Parking Manager; Douglas Shontz, Communications Specialist; John Wilson, Zoning Officer; Anne Messner, Senior Planner/Zoning Officer; Deborah A. S. Hoag, Public Works Director; Maureen Safko, Senior Planner; John A. Gardner, Chief of Police; Sharon Ergler, Assistant Borough Secretary; Jenna Wargo, Planner; and Borough residents and members of the media.

Mayor Hahn welcomed State College Boy Scout Troup #32, who led the Pledge of Allegiance.

Public Hearings

Request for Vacation of Laurel Alley

Mayor Hahn opened the public hearing to receive public input on the request to vacate Laurel Alley between Fraternity Row and Clover Alley. There was no one in the audience who wished to speak on this matter, so he closed the hearing at 7:02 p.m.

Substantial Amendments to the Borough of State College's 2015-2019 Consolidated Plan and Fiscal Year 2015 and Fiscal Year 2018 Consolidated Plan Annual Action Plans

Mayor Hahn opened the public hearing at 7:03 p.m. There was no one in the audience who wished to provide comments on the proposed amendments. He closed the hearing at 7:04 p.m.

Proclamation

City of THON – Mayor Hahn presented Faith Hatcher, one of the Chairs of the Local Donor/Development THON Captain, with a proclamation renaming State College the City of THON beginning on Friday, February 15, at 6 p.m. and ending on Sunday, February 17, at 4 p.m.

Ms. Hatcher said she was happy to accept the proclamation on behalf of the Four Diamonds Fund. She said Penn State's THON is the largest student run philanthropy in the country. She said she was proud to be a part an organization that raises money to fight childhood cancer. She added that THON benefits children worldwide.

Public Hour

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

Consent Items

Mr. Murphy asked that Consent Item C be removed from the list of Consent Items for further discussion.

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

- Accept the resignation of Jay Meashey, with regret, from the CDBG Citizens' Advisory Committee, effective immediately.
- Appoint Bruce Quigley to finish the unexpired term of Mr. Meashey on the CDBG Citizens' Advisory Committee through December 31, 2019.

Mr. Murphy said he did not plan to vote in favor of an outdoor seating area at Baby's Burger and Shakes especially because it extended into the public right of way. He added that he was concerned about the pedestrian traffic in that area. He commented that he gets uncomfortable driving in this area due to the narrowness of the street. He stated the outdoor seating would remove some of the existing sidewalk capacity and add additional congestion to an area already congested.

Mr. Myers commented there was a diagram included in the agenda packet which outlined locations where the tables and chairs would be located. He said he was very concerned about the construction program across the street and the visibility at a busy, congested, corner. He said he supported the idea of sidewalk seating and liked the ambiance it created and added that it fit well with the Borough's Strategic Plan. strategic plan.

Mr. Fountaine commented that no structures were installed. The owner was desirous to put out four tables and chairs for patrons at grade in front of the establishment. He noted that the requested encroachment was minimal. The License Agreement included language that the tables and chairs must be removed every night.

Ms. Lafer said the chairs and tables should fit without making it difficult for people in wheelchairs or those pushing baby carriages to get by. She commented she would not want to sit there now because of the loud construction noise and dust. She added she would not be voting against this. However, she agreed with Mr. Murphy that this was an extremely dangerous corner.

Mr. Murphy said the narrowness was his biggest concern. He asked if Council would vote on the triangle outlined in the diagram or if the business owner could put in the requested tables behind the right-of-way without entering into an agreement with the Borough. He added that the human behavior and code did not match up with what was happening at that location.

Mr. Myers agreed the triangular area was very small. He asked if the property owner intended to modify the steps into the establishment at all? Mr. Wilson said the owners was not planning to modify the entrance in any way.

Mr. Williams explained to Council that what the applicant requested was not an easement but was a license agreement. The agreement could be revoked by the property owner or the Borough at any time. He added that the difference between this request and Pickles was that Pickles required installation. If the applicant wanted to install a fence at the corner of Garner Street and Calder Way, there was no need for a different agreement.

Ms. Dauler pointed out the applicant had only requested to place 4 tables, which was not a lot.

Denise Wood, owner of Baby's Burgers and Shakes, said the preference was four tables with minimal encroachment.

Mr. Wilson said the business owner would be permitted to place 3 tables without any agreement; however, the 4th table required the license agreement. He added that the owner had no intentions of putting up a fence or any kind of barrier.

Ms. Lafer made a motion to approve Consent Item C, which was to approve a License Agreement to permit an outdoor seating area partially within the right of way at 131 South Garner Street. Mr. Barlow seconded the motion.

Mr. Brown asked the Solicitor what the meaning of a License Agreement was. Mr. Williams said it was revocable. A License Agreement was a permissive use of a piece of property owned by the municipality.

Mr. Myers commented that outdoor seating was a great idea to have downtown; however, he urged the owner to be cautious, especially near intersections to protect the line of site. He said he hoped to see more requests like this in the future.

Mr. Murphy said he loved the idea of outdoor seating but was concerned about public safety during construction.

The motion to approve the License Agreement for Baby's Burgers and Shakes passed 5-2 with Mr. Murphy and Ms. Engeman voting against the motion.

General Policy and Administration

Substantial Amendments to State College Borough's 2015-2019 Consolidated plan and Annual Action plans for FY 2015 and FY 2018

Mr. Fontaine pointed out Council held a public hearing on the proposed vacation earlier in the meeting and there were no comments.

Ms. Dauler made a motion to approve the amendment to the Fiscal Year 2015-2019 Consolidated Plan, and to approve the Fiscal 2015 and Fiscal Year 2018 Annual Action Plans, including allocation of program income received in 2018. Ms. Lafer seconded the motion. There were no questions from Council nor the audience. The motion passed unanimously.

Public Works

Request for Vacation of Laurel Alley

Mr. Fontaine pointed out Council held a public hearing on the proposed vacation earlier in the meeting and there no comments were made.

Mr. Murphy made a motion to enact the ordinance to vacate Laurel Alley. Mr. Barlow seconded the motion. The motion passed unanimously.

Official Reports and Correspondence

Mayor's Report – Mayor Hahn recognized the State College Police Department for the work they did two weeks ago during difficult circumstances. He reported that he resumed his campus office hours at the HUB.

Mayor Hahn announced that February 5, 2019 was the start of the Lunar New Year. He said the upcoming year is going to be the Year of the Pig.

Mayor Hahn mentioned that New Leaf Initiative held a Board Game Night at 5:30 p.m. He also announced that there were two upcoming Strategic Plan Workshops held on February 6 from 3 to 5 p.m. or from 7 to 9 p.m. Valentine' Day was on February 14 and THON started at the Bryce Jordan Center on Friday, February 15.

President's Report – Mr. Myers announced that Council met in an Executive Session prior to this meeting to discuss a real estate matter.

Mr. Myers also acknowledged the State College Police Department and first responders who dealt with the shooting events two weeks ago. He said they all worked very hard to keep our community safe.

Mr. Myers reported that the Representative for the 12th Congressional District resigned abruptly. He said a special election for his position would coincide with the primary election on Tuesday, May 21. He commented that a substantial number of voters would not be there. He urged those who would not be in town on Election Day to apply for an absentee ballot. He said if anyone wanted to apply for an absentee ballot to see him after the meeting because he had a handful of application form. He urged everyone to make their voice heard by voting.

Manager/Staff Reports – Mr. Fontaine said the Borough was seeking the community's input at two Strategic Planning Workshop held on February 6 from 3 to 5 and 7 to 9 p.m. He said if anyone was unable to attend either of the workshops, additional comments could be posted on the Borough's Engage State College webpage.

Mr. Ward said Highlands Parking Permission Registrations were mailed last week. He added that everything proceeded as expected. Additional information about the program was available on the Borough's website.

Student Representative Report – Mr. Dougherty said he was looking for UPUA members to serve on the LION Bash Committee. He said the UPUA was also looking for a new Community Diversity Liaison.

Adjournment

There being no new business to discuss, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary