

Meeting Minutes
State College Borough Council
Regular Meeting/Work Session
Monday, February 11, 2019

The State College Borough Council met in a regular meeting on Monday, February 11, 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 P. Engeman
Theresa D. Lafer
Dan Murphy

Also present: Thomas J. Fountaine, II, Borough Manager; Sharon K. Ergler, Assistant Borough Secretary; Thomas Dougherty, Student Representative; Thomas R. King, Assistant Manager for Public Safety; P. Rick Ward, Parking Manager; Douglas Shontz, Communications Specialist; Amy J. Kerner, Borough Engineer; Jenna Wargo, 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; Borough residents and members of the media.

Public Hour

There was no one in the audience who wished to address Council about a matter during the public hour.

Items of Information from Council Members

Ms. Lafer said spring was sneaking up on us and mailboxes were starting to fill up with catalogs. She reminded everyone that State College was a sustainable community and she urged everyone to recycle. She also asked people to not let inappropriate substances, such as pesticides and/or poisons, flow into the storm sewers and kill off our bees and birds as it flows into the Chesapeake Bay.

Ms. Dauler said she would like to present some information about the National League of Cities Race, Equality and Leadership Committee at a future meeting.

Special Reports

Kyle Hynes, a State College High School Sophomore and Champion in the Statewide redistricting contest, presented his award-winning map to Council.

Mr. Hynes said "competitiveness" was his priority in drawing the map. He used census data, mapping software and the Voting Rights Act to draw Congressional boundaries to make 14 of 18 district competitive. He stated he wanted a mechanism where every single person could have a voice.

Historical Architectural Review Board (HARB) - Eric Boeldt, Chairman of the HARB, provided Council with the Board's Annual Report. He noted that the HARB did not officially start until September 2018.

Consent Items

Ms. Dauler made a motion to approve the following Consent Items. Mr. Barlow seconded the motion. The motion passed unanimously in favor.

- Approve the use of various Borough sidewalks, as well as Sidney Friedman Park, on Sunday, April 14, 2019, from 9 a.m. to 11 a.m., for the annual National Eating Disorders Association Walk.

- Approve (with conditions) the closure of various roads for the 2019 Penn State home football game schedule as follows: April 13, August 31, September 7, 14, October 5, 19, and November 16 and 30, 2019.
- Approve Accounts Payable and Payroll vouchers for the month ended January 31, 2019, totaling \$4,620,029.71.
- Appoint the Centre Region Code Administration officials as the Sewage Enforcement Officers (SEO) for 2019, specifically Walter G.M. Schneider as the primary SEO and Cory M. Warner, James W. Royer and Robert E. Royer, Jr. as alternate SEO's.

General Policy and Administration

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

Mr. Fountaine explained that Happy Valley Music Festival (HVMF) applied for a Special Activity Permit for portions of the 200 block of South Allen Street, the 300 block of South Allen, and the 100 block of West Foster Avenue and a request for an open container exception on a portion of the 200 block of South Allen Street on Friday, May 31, and Saturday, June 1. He commented that as required by the open container exception ordinance, the Downtown State College Improvement District would co-sponsor the event and he recommended approval of the open container exception, with conditions.

Ms. Lafer said neither the drawing, nor the application showed where the fencing was going to be located. Was alcohol served in the fenced in section only? Mr. Todd Wagner, one of the event's organizers, said the fenced area was across the street from the Municipal Building and went into the Allen Street parking lot across the street. As a follow up, Ms. Lafer asked how someone could get from the south or the north or vice versa? Mr. Wagner said the entire 200 block of South Allen Street would be closed for admission. The entire festival area would be fenced. He said some of the buildings along the street were part of the fencing. He added that at Foster Avenue, a stage would be placed in the middle of the street facing College Avenue. Ms. Lafer said what if someone were bringing their 10-year old with them to hear the music, where would they be able to walk? She said they were not permitted to walk in the fenced in area. Mr. Wagner said they could be near the upper entrance, which was near Schlow Library. He added that it was not a problem for festival goers to move freely throughout the festival zone and those intending to drink alcohol would need to purchase an arm band.

Mr. Murphy made a motion to conditionally approve the Happy Valley Music Festival event and grant the applicant an Open Container Ordinance waiver as requested. Mr. Barlow seconded the motion.

Mr. Brown asked if there was any consideration on the decibel level of the music. Mr. Wagner answered yes. He added that the music was directed towards campus and not into the neighborhood. He commented that the organizers wanted this event to be family friendly.

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

Request for Noise Waiver

Mr. Fountaine explained that the contractor, PJ Dick, Inc. requested a waiver to the Noise Ordinance to conduct large concrete pours associated with the mixed-use building currently under construction at 131 Hiester Street. He added that the contractor agreed to follow a communications plan in which he will contact all adjacent property owners at least 72 hours in advance of a scheduled pour. He commented that the anticipated concrete pours would begin at 3 a.m. and the request was for 6 months.

Matt Feuer from PJ Dick, Inc. explained that they would have 25 separate pours between the ground level and the 6 levels of the building and the pours would be spaced out over a 6-month period. He added that if there was any way they could make less pours, they would.

Ms. Lafer made a comment about the 60+ concrete trucks. She said she did not want to see them driving past her house or her neighbors. Mr. Feuer said the trucks would be coming in on Route 26 and not turning into neighboring streets.

He stated the trucks were coming from Centre Concrete, which was located on the Benner Pike, and they also planned to minimize the number of coming in at any given time.

Mr. Murphy asked Mr. Feuer to outline the traffic pattern the trucks would be using on the map. Mr. Feuer outlined East College Avenue onto Hiester Street (in front of Primanti Bros.) and go through Calder Way or directly onto East Beaver Avenue and then out of town. Mr. Murphy said based on the traffic pattern, which Mr. Feuer outlined, any other business that would receive deliveries during the dates and times of the pours should be added to the contact list.

Mr. Fontaine said the Borough was anticipating a broad notification since the project encompassed a fairly-large radius. He would expect the contractor to notify people within several blocks of their pour schedule.

Mr. Brown asked why it would take 6 months to make 25 pours? Mr. Feuer said there was a lot of work necessary to prepare for each pour. Each section required inspection by an engineer who dictates the number of pours. He added that it would take at least a week to form 10,000 to 15,000 feet of deck, including tension cables, drains, columns, walls, etc. In addition, if there was any option available to expedite the pours they would because each pour included a 2-to-3-week sequence. Mr. Feuer said he anticipated the first pour in early March to continue through end of August.

Mr. Barlow made a motion to approve the noise waiver with the condition that the contractor notify all adjacent property owners and the Borough a minimum of 72 hours in advance of the scheduled pours. Ms. Dauler seconded the motion.

Mr. Murphy moved to amend the motion to exclude April 29 to May 3 because of Penn State finals that week. Ms. Lafer seconded the amendment. Mr. Barlow said as a faculty member, that was a great idea.

Council voted on the amendment first, which passed unanimously. They then voted on the motion, which also passed unanimously. The amendment Vote on the amendment only. All in favor of the amendment.

Motion passed unanimously.

Planning and Zoning

Certificate of Appropriateness: 400 South Gill Street

Mr. Fontaine said applicants Eric Boeldt and Anita Genger submitted a Certificate of Appropriateness (COA) application to make repairs to the side porch roof of their home by re-roofing and re-sloping the porch facing South Gill Street at 400 South Gill Street. Their home is a contributing structure in the Holmes-Foster/Highlands Historic District.

Mr. LeClear said the Historical Architectural Review Board (HARB) and Winter & Co. reviewed the COA and they recommended application approval and that the applicant be permitted to proceed with the proposed work.

Ms. Dauler made a motion to approve the COA. Ms. Lafer seconded the motion.

Mr. Myers said he was opposed to adopting the HARB Ordinance especially for this type of situation. In this case, the applicant was planning to remove the roof on the porch. He said metal roofs were inappropriate in the district. He said the decision boiled down to a judgment call, which works in the eyes of the beholder. He said the plan seemed as though it fit but where does one draw the line? At what point does or does it not fit. He added he was curious to see how this process progresses.

The motion to approve the COA passed unanimously.

Official Reports and Correspondence

Mayor's Report – Mayor Hahn reminded everyone that Thursday is Valentine's Day, Friday is the start of THON at the Bryce Jordan Center, and he let everyone know he was excusing himself after the regular meeting for another commitment.

President's Report – Mr. Myers said Council met in an Executive Session prior to this meeting to discuss personnel matters. He reminded everyone that May 21 was the primary election day and there would be a special election for U.S. Congress because of a recent resignation. He said he had applications for absentee ballots if anyone wanted one.

Regional Liaison Reports

Executive – Mr. Myers said he had nothing to report.

Finance – Mr. Myers said the Finance Committee held a joint meeting with the Public Services Committee to discuss all government agencies pulling together to buy electrical power from solar energy.

Human Resources – Mr. Brown said the Human Resources Committee had met and continued to focus on the operational definition for the Executive Director of COG and the broader HR handbook

Parks Capital – Ms. Engeman said she was indisposed and did not attend if there was a meeting scheduled. Mr. Fountaine said he attended the January meeting and the Committee decided to meet quarterly.

Public Safety – Ms. Dauler said the Public Safety did meet and she will serve as Chair for 2019. She commented that future activities included 20 potential items to be considered, the future of the Fire Department, preparing requests for proposal for consulting services, and HAZMAT services with Penn State.

Public Services – Mr. Barlow said the Public Services Committee met in a joint meeting with the Finance Committee to discuss electrical power from solar energy. Other agencies invited to participate include the Water Authority, State College School District, CATA and the University Area Joint Authority. He added that the price of solar energy lowered and was cheaper than fossil fuel energy.

Transportation Land Use/MPO – Ms. Lafer said the Transportation and Land Use did not meet this month and the MPO was not meeting until the end of February.

Ad-Hoc Facilities – Mr. Murphy said the Ad-Hoc Facilities Committee met and continued to look at roles of effective facilities management, reviewed the School District's book on maintaining facilities, in the process of preparing an RFP for a space evaluation study as COG continues to grow and to expand.

Centre Area Cable Consortium – Ms. Dauler said the Cable Consortium met earlier today and continued to work on refining the proposals they will use to negotiate with Comcast for a license renewal.

Manager/Staff Reports - Mr. Fountaine said he declared a snow emergency in the Borough earlier in the evening. Overnight parking restrictions were in place and no on-street parking permission would be granted.

Student Representative Report

Mr. Dougherty said this past Wednesday the UPUA met and discussed the zoning rewrite at the Zoning Community Input session. He stated the UPUA would be hosting World Cultural Week March 11 through March 15.

Council recessed to a Work Session at 7:49 p.m.

Action Sports Park

Mr. Fountaine said in December 2018, members of the Action Sports Park Ad-Hoc Committee, which included Gordon Kauffman, Frank Maguire and Kim Faulds; submitted a letter to Council asking that High Point Park be designated as the preferred location for the Action Sports Park. He commented that Ms. Dauler asked that this item be placed on this agenda for discussion.

Ms. Lafer said she looked at some footage and saw real delight and athletic ability at the type of park being suggested. She stated it was important to find a location that was accessible to our children. She added that High Point Park was one of the nicest parks and was easily accessed from anywhere in the Borough, especially to our young people. She said the Ad-Hoc Committee had done an amazing job to come from a variety of viewpoints to give Council such a great report. She commented she was very happy with the suggestion and would be happy to move their recommendation along.

Mr. Barlow asked if the Action Sports Park would become a budgetary item for next year, and if yes, would it remove any other projects? Mr. Fountaine said there was no straight forward answer.

He said a fundraising effort may be involved. The expectation was that it would require fundraising and revenue to support it. He added that at some point an appropriation would have to be included. Council may want to consider borrowing money to fund an Action Sports Park.

Mr. Barlow said there had been some discussion about putting the Action Sports Park in the Whitehall Road Regional Park.

Mr. Brown said he thought the plan was to make this a regional project not a Borough project. He said he saw advantages and disadvantages. He said the Borough already had a \$2-million-dollar funding problem with our existing infrastructure. He questioned how the Borough could consider underwriting the project?

Mr. Murphy said he liked the idea of adding this kind of energy to a neighborhood.

Pam Salokangas, the Centre Region Parks & Recreation Executive Director, said she believed the Parks Authority had this item scheduled on an upcoming agenda to discuss/consider. She added she would like to see the Action Sports Park move forward in collaboration with our regional neighbors. Given the great work the subcommittee has done, she added she would like to see a good faith effort to continue some ongoing conversations.

Ms. Dauler said she went to look at High Point Park and thought it was a splendid location and was very happy it was in the Borough. She thought it was important for Council to get behind the proposal and added she would like to see it built in a timely manner. She stated she would be interested in hearing more about the fundraising plans that people have alluded to. She added she would like to have it put into the Capital Improvement Plan for next year.

Ms. Engeman said the High Point Park was the perfect location for it because it was close to the YMCA, the State College High School and also on the CATA bus route.

Mr. Myers asked Council members if they were willing to accept the idea that High Point Park was an ideal place for such a park.

Frank Maguire, 827 Wheatfield Drive, said he was a part of the Ad-Hoc Committee and the Drop-in Committee. He said the Drop-in Committee was unable to begin its fundraising efforts until they had the support of Council. He said there was a separate proposal in Ferguson Township related to the Pine Hall development where they are developing a natural surface for bicycle type of services on a 2/3-acre parcel under the control of a private developer.

Kim Faulds, 805 West Foster Avenue, said she too had been a part of both committees. She said as a parent she was thrilled that there might be an Action Sports Park in the future. She commented that as a State College teacher and mother of a skateboarder, that she heard from many kids about the importance of such a park.

Mr. Myers said although Council was unable to make any formal motions at the work session, Council gave staff direction to move forward. High Point Park was the second choice after the Whitehall Road Park. Staff was asked to look at the upcoming CIP and make certain it clearly stated Council's support for an Action Sports Park.

Plastic Bag Status Report

Ms. Jasmine Fields, the Borough's AmeriCorps member, provided Council with a status report on a request to ban plastic bags. Ms. Fields indicated a Penn State Sustainability Class was working on a project related to this request and should have something available to share later this spring.

Mr. Myers thanked Ms. Fields for her comprehensive report.

Mr. Murphy asked when considering businesses is the University included as a local business? Ms. Fields stated Penn State had already started the plastic bag ban.

Mr. Fountaine said there was a bill in the state legislature that would preempt the ban. He commented that Governor Wolf had already indicated he intended to veto the ban.

Ms. Lafer said a lot of stores have already begun to replace plastic straws with paper ones. She said they do the job. She also commented that a few stores provide the option of cotton or linen bags and other people bring their own reusable bags. The Borough might want to consider encouraging the use of alternative bags. She stated it would be hard to tell an entire community they had to stop using plastic bags. She said the Borough should consider introducing the idea slowly giving more people time to get used to the idea.

Ms. Fields said Penn State student groups working on the sustainability project were encouraged to speak with business owners. She agreed that an easier transition may be appropriate.

Mr. Barlow said Peter Buckley, a Ferguson Township Supervisor and others, have quietly been working on this issue for quite a while. The model ordinance was drafted by the local Sierra Club. He asked Ms. Fields if this ordinance was considered in the work she had done. Ms. Fields answered no, it was not.

Spring Creek Watershed Commission Phase II

Ms. Fields said the Spring Creek Watershed Commission's Phase II draft report was originally handed out on January 16, 2019. She stated the intent was to create a Watershed Management Plan. She said she was there to relay any questions Council may have had to the Spring Creek Watershed Commission members because input on the plan was due by March 20.

Mr. Fontaine said he realized the report was just distributed to Council last Friday, so he and Ms. Fields would do their best to answer any questions from Council. He urged Council to provide any comments to Ms. Ergler by Friday, March 1.

David Stone, 539 East Foster Avenue and representative of Nittany Valley Environmental Coalition said the Coalition believed things were moving too slowly. The Coalition believed the plan needed more teeth and should be a planning effort county wide.

Adjournment

There being no additional business to discuss, the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary