

Meeting Minutes
State College Borough Council
Regular Meeting
Monday, April 1, 2019

The State College Borough Council met in a regular meeting on Monday, April 1, 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. and dedicated the evening's Moment of Silence in memory of Osaze Osagie.

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

Absent: Theresa D. Lafer

Also Present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Edward LeClear, Planning Director; Tom Dougherty, UPUA Student Representative to Council; John A. Gardner, Chief of Police; Roger A. Dunlap, Assistant Borough Manager; Dwight Miller, Finance Director; Douglas Shontz, Communications Specialist; Thomas R. King, Assistant Borough Manager for Public Safety; Jenna Wargo, Planner; Anne Messner, Zoning Officer/Planner; Sharon Ergler, Assistant Borough Secretary; media and interested Borough residents.

Mayor Hahn acknowledged that some Council members wished to make a statement considering recent events.

Mr. Myers expressed that, as Council President and a member of the community, it was important to think about the events of the last ten days and put things into a little of uncomfortable context, encouraging people to think about it. He said that people of color, especially young, black males were on the receiving end of police shootings at a disproportionate rate. He acknowledged that this was fact and that black lives do matter. He stated that the elected, administrative and police leadership understood the special care that was needed because of that fact. He said the State College Police Department (SCPD) received training for diversity, mentally ill people and community outreach. There were several groups within the community comprised of people of color, students and the elderly that meet regularly with the SCPD and were sensitive to these issues. He stated that SCPD was sensitive and proactive, but the event still occurred. He encouraged people to remember and think about the other police forces that did not interact with their communities of color or valued the need for such training. He said the Borough turned over the investigation to the Pennsylvania State Police (PSP). He acknowledged that many believed this incident was still police investigating police. He said he did not know what the outcome will be, but that the process must be transparent. This investigation was now in the hands of the Centre County District Attorney (D.A). He expressed that even though the community did pay attention to such issues of race, mental illness and policing, the shooting still happened anyway, and it was a testimony to why the Borough needed a conversation on race and mental illness. He said the community must find justice in order to find peace. He expressed that as a Jewish person, he understood prejudice and the reason why Jewish communities were on the front lines of the Civil Rights Movement. He acknowledged that he never needed to talk with his sons about how to interact with authority because he was white. He feared that many white people did not spend time thinking or talking about this, which he acknowledged as a tragedy in and of itself. He believed the community will come together to face the evils of racism regardless of the results of the investigation and that none of this will have happened in vain.

Mr. Brown said that the recent death of Osaze Osagie was a tragedy and a tragic loss to his family, friends and to the community. He acknowledged that many people said that Mr. Osagie was a kind, loving, talented and generous person. The impact of this death rolled through the community, local

government and law enforcement and human services personnel. He expressed that Mr. Osagie's life and death did matter profoundly but asked the community to not cheapen his death by resorting to inflammatory rhetoric and logic because such statements only served to disturb and confound. He said that despite the official investigation, Mr. Osagie's death led the community in the moment to struggle with teasing meaning from the various causes. He argued there were many causes and cited that Mr. Osagie was shot in the middle of an involuntary 302 commitment process or mental health warrant that was carried out. At that time, Mr. Osagie was likely a clinically disturbed individual with more significant problems than were explained by the autistic spectrum disorder. He said that it was reported Mr. Osagie behaved in a threatening manner and an officer shot a weapon to subdue the imminent threat. However, he cautioned people that the investigation was still pending, and we did not know everything yet. He said that Mr. Osagie was likely not receiving adequate and necessary mental health treatment and professional help. He said the consequences of such funding cuts directly threatened the Centre County region and curtailed the ability of the region to respond to the mental health crisis. He stated that learning from these complex causes will direct the Borough to point to better ways moving forward and the Borough needed to gather stakeholders for a focused conversation on the mental health delivery system and develop different protocols and better responses to domestic health and causes. He stated this could include a mental health professional accompanying a first responder team to serve a 302 warrant. He recalled that this was once a more common practice in Centre County. He called for enlarging our training protocols and the creation of flexible strategies and tools that accounted for timing and distance. He stated that the community must find solutions to this systemic mental health crisis in Centre. He hoped the solutions will get underway as the Borough continued to reflect on Mr. Osagie's tragic death and how the Borough will bring about change to the welfare of others as a result of his death.

Mr. Barlow said, like many in the community, he felt immense sadness over the death of Osaze Osagie on March 20 at 1:45 p.m. just a few blocks from his home. He said Mr. Osagie was 29 years old, which was between the ages of his two children. He stated that his heart went out to his family. He said he met his parents on a few occasions and they shared several mutual friends. He said his family were well-regarded people in the community. He stated that the effects of Mr. Osagie's death will not end with the investigation and the Borough's concern should not either because his death exposed some issues that should concern everyone. He solicited some dialogue from knowledgeable friends, which left him feeling ignorant and troubled. He said mental health officials used to accompany first responders on 302 mental health calls and he called for reinstating that practice along with some other policy issues. He expressed that those policy changes were the low hanging fruit, and that there needed to be community work to restore or establish trust between the Borough government, the SCPD and communities of color. He urged the Borough to look at what other communities did and try to follow good examples.

Ms. Dauler said it was sad and tragic time for the community. She said her thoughts were with those lives who had changed forever. She asked for the family and friends of all those involved if they will accept the heartfelt sympathy from her and her colleagues. She stated it was difficult to wait for the results from the investigation by the PSP. She expressed that the Borough was committed to an open, honest and transparent process. She hoped that the efforts in the future will create a more equitable and inclusive community and continue to gain support from all the community in the future.

Mr. Murphy said he tweeted on March 21 that he woke up heartbroken and angry. He spent time in community conversations with neighbors and searched for words of comfort for those angry and words of assurance for those demanding change. He recognized that the audience was not here for his words but were here looking for his action. He said he committed to advocate for transparency and information sharing. He acknowledged that the investigation made it challenging for those in the community wanting answers, but he reassured that the Borough will remain fully cooperative and supportive. He said that no new facts or information will make the event any less tragic. He said he spent too much time this past week attempting how to respond and console families who buried their sons while figuring out how his remarks will be interpreted. He believed that black lives matter and respected the work of law enforcement, and the Borough will become partners in moving forward while exploring policy and doing everything possible to prevent another tragedy. He said that the Borough and Council would not rely on neighbors of color for all the answers. He said an additional burden were neighbors struggling with their

mental health. He said it was clear the Borough will have new sense of urgency from coffee shops to community conversations and the need for additional Council work sessions to work on these issues.

Ms. Engeman stated that it was a tragedy whenever someone dies violently. She said the incident caused considerable consternation, pain, and anger in the community, and she expressed heartfelt sympathy for all those affected. She said that since this matter was under investigation, she will not draw conclusions until the release of the results.

Mr. Dougherty commented that UPUA felt disheartened by what transpired, that they stood in solidarity with the community and their hearts went out to Mr. Osagie's family. He said UPUA worked tirelessly to end the stigma of mental health and improve the safety of all State College residents. He said that UPUA will continue to better the relationship with the SCPD and the Borough residents. He stated that the community should look for guidance and wisdom. Then he quoted Dr. Martin Luther King Jr., "The time is always right to do what is right and the ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." He expressed that the Borough should remain proactive and work towards a better future for all communities.

Mayor Hahn said that the tragic event deserved the benefit of thoughtful conclusions based on trustworthy facts. He acknowledged that the decision to refer the investigation to the PSP was a correct one. He said that the report should be completed with deliberate speed then opened to public examination and scrutiny. He said that Council scheduled a work session to review it.

Public Hour – Hearing of Citizens

Gary Abdullah, a resident in Houserville, said the statements about the tragedy unsettled him. He said that two things that stand out: 1) it was important to see this was more than business as usual, and 2) it was important to see that this tragic event touched a lot of sore points within the community. He said there were a lot of angry people in our community because there appeared to be a process of focusing primarily on the mental health/mental illness aspect of it and not discussing larger issues in Happy Valley. He hoped that the Borough was ready to do something more because it was going to take more than a special report. He acknowledged there were other incidents prior to the shooting and hoped that the Borough was ready to get out of its comfort zone and do more. He said fixes will not happen in this room. He said that a few years ago, the Borough assembled a task force focused on issues of police activity and populations of color. He stated the Borough needed to reach back and draw upon those resources to see it through to its conclusion. He urged Council to do the best that they could do and hoped that Council was prepared to do more.

Dominic Facony, a resident Long Meadow Lane near Sunset Park, had several questions about transparency of the investigation and current procedures. His questions included several statements made by various council members. He wanted to know why the police did not have a mental health professional with them on the afternoon Mr. Osagie was killed. He asked how much Council was committed to hiring a new mental health professional for when these events happen again. He asked about what police training currently entailed and the purview of this training. He wanted to know if this was a matter of public record and wanted to see the contents of these procedures. He asked about what non-police options were available for the mental health of loved ones. He hoped for the final investigation to be made public when it comes out and appreciated the transparency. He wanted to know whether the publicity of this report will be guaranteed.

Mayor Hahn stated he counted five questions including the second rhetorical question. He said Council will discuss this in the future and will require an additional meeting because it was not on the agenda. He asked if staff kept track of the questions. Mr. Facony repeated the questions: 1) Why does the Borough not have a first responder for mental health emergencies and why was there not one present when Mr. Osagie was killed? 2) What training is available and mandated by the SPCD and can it be made public? 3) What non-police options were available for loved ones with mental health issues? 4) Will the publicity of the report be guaranteed?

Mr. Fountaine answered the first question by stating that the SCPD and Borough Administration were in the process of determining what changed historically with respect to Centre County mental health agencies and their provision for support for police responses. He said there were differing opinions about the degree of that support historically and when it was no longer available. He said there was a commitment to a full public conversation on issues of mental health. He said the question about available services should be addressed by Centre County and not by the Borough. He said that two-thirds of the police officers have CIT training and standard mental health training. The Borough has provided CIT training for police officers for ten years. He said the Borough was in the process of putting information on the website about the various trainings like diversity, implicit bias, crisis intervention and crisis negotiation training. The information will be available based on a request the Borough received last week. He stated that the Borough was committed to being as transparent as possible based on the information received for the final report. He said the PSP will provide that information to the D.A, so the Borough will do whatever's possible to make sure a full reporting is completed and will rely on the PSP to provide that information.

Tabitha Stickle, a resident of West Nittany Avenue, was interested in the investigation report for Mr. Osagie's death. She said the Borough needed to address larger issues after hearing about what specifically happened in this context. She said there were things Council should be doing and not to dismiss the shooting as a single incident. She said that waiting for the report was not enough to understand the larger issues and asked Council to pay attention to the symptoms. She hoped that Council will offer concrete policy suggestions on which communities the Borough should be looking at and to lead the community.

David Stone, a resident at 539 East Foster Avenue, wanted to comment during the 30-day comment period on the combustible turbine downtown. He urged Council to put a placeholder comment to the Pennsylvania Department of Environmental Protection Agency alluding to the studies that came out in the last couple years. He asked for a public hearing after meeting with Penn State and a placeholder request to the Pennsylvania Department of Environmental Protection.

Mayor Hahn asked when the 30-days were up. Mr. Stone responded that the application was put up on March 15 or March 17. He asked for staff to make a simple statement of concern based on what was in the public record.

Special Presentations

Focus on Appearance Awards – Mr. LeClear presented the 2018 Focus on Appearance Awards on behalf of members of the Design Review Board (DRB) to three recipients: Nicholas & Kistler, the owners of 129-133 East Beaver Avenue for the mural installation "Wild Geese"; Keith Karako, the owner of 517 West Park Avenue for improvements and preservation to a home in the College Heights neighborhood; and 254 East Beaver Avenue, LLC for the construction of a new mixed use building with public art in downtown State College. He said that the DRB felt appreciative of these contributions to the Borough and each was a great example of what property owners could do with design to enhance the community.

Heidi Nicholas, a partner at Nicholas & Kistler, thanked the DRB for the award. She said she provided the wall and the artist did the rest.

Keith Karako thanked the DRB for allowing him to build the extension and stated he enjoyed living in State College for the past couple years.

Alex Sahakian thanked the DRB and said he tipped his hat to the various design professionals involved. He accepted the award on behalf of Mark Pilato who completed the sculpture. He said the process was humbling to work with Mr. Pilato on completing the bronze sculpture. He was amazed to see how much work went into it. He stated that the sculpture was dedicated to Sky Pilato, Mr. Pilato's niece. He said the sculpture was located on the corner of Locust Lane and East Beaver Avenue and represented how humans were unified.

Proclamations

State College Choral Society's (SCCS) 70th Anniversary – Mayor Hahn issued a proclamation declaring April 28, 2019 as SCCS Day to Suzanne Neely, the SCCS's Chair of the Board of Directors.

Ms. Neely thanked Mayor Hahn and Council for the proclamation. She mentioned that April 28, 2019 as the final date performance for the SCCS's 70th season. She hoped to try to fill the place. She said the SCCS had 200 singers, 37 players from the Pennsylvania Chamber Orchestra and four soloists from New York, Washington and Ohio to grace the stage. She said SCCS partnered SCASD Master Singers to perform a piece that had not been performed in over 22 years. She encouraged the community to attend the performance on Sunday, April 28, 2019. at 3 p.m.

LGBTQ Pride Month – Mayor Hahn issued a proclamation declaring June 2019 as LGBTQ Pride Month in the Borough of State College.

Mark Hayes, a member of the LGBTQ Advisory Committee and Centre LGBTQ Support Network, accepted the proclamation and thanked Council and Borough staff. Mr. Hayes said the proclamation was a demonstration of support and affirmation for the LGBTQ community. He hoped that Council and the Borough will keep up the good work.

Leann Bell, a State College resident, affirmed that the LGBTQ community commits itself to its black residents and communities of color against white nationalism and police brutality and violence. She said that liberation was not a given, but it was fought for. She encouraged the LGBTQ community to join this commitment.

Clearwater Conservancy's Watershed Cleanup Day – Mayor Hahn issued a proclamation to Dan Trew, Clearwater Conservancy's Adventure Coordinator, declaring Saturday, April 20, 2019, as Watershed Cleanup Day in the Borough and encouraging all staff and citizens to participate in the event.

Mr. Trew thanked Mayor Hahn and Council. He said he looked forward to seeing the community help him pick up garbage in dirty places.

Wyland Mayor's Challenge for Water Conservation – Mayor Hahn issued a proclamation to encourage residents and neighboring communities to take the Wyland Mayor's Challenge for Water Conservation.

Consent Items

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

- Approve the use of Sidney Friedman Park and the closing of D Alley (between South Allen Street and Highland Alley), from 8 P.M. to 5 P.M., for the annual American Foundation for Suicide Prevention Walk – Out of the Darkness, on Sunday, April 28, 2019.
- Approve the use of various Borough streets, from 12:30 P.M. to 1:30 P.M., for CentreBike's Ride of Silence, on Saturday, May 18, 2019.

General Policy and Administration

Request for a Waiver of the Noise Ordinance for Pugh Centre Construction

Mr. Fontaine stated that Leonard S. Fiore, Inc. requested 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 Pugh Centre located at 150-180 South Pugh Street on four dates between April 8, 2019 and May 20, 2019. He said the request will enable them to make larger concrete pours required for the building's construction. He stated staff recommended the noise ordinance waiver be approved providing the requester established and followed a

communications plan detailing who will provide advance notice and how the notice will be communicated to ensure neighboring property owners, residents and the Borough are aware of the early work at least three days in advance. He said the notice should include the intent, start time, and duration of the work as well as a contact number and email address for concerns and questions. He said that Chad Maholtz, Senior Project Manager for L.S. Fiore, Inc. was available to answer questions.

Ms. Dauler motioned to approve the noise waiver. Mr. Murphy seconded the motion.

Ms. Engeman said she was curious as to how many vehicles were involved and what the hours were. Mr. Maholtz said the hours they were talking about for the next pour scheduled for April 8, 2019 or April 11, 2019 with a 5:30 a.m. start time. He said that will allow them to complete their work prior and it will finish at 7 a.m. He stated that the following pours for the third-floor floor were scheduled for a post 7 p.m. start, which will allow them to complete their work by 7 p.m. on the following day. He said that most of work completed during off hours will be placement of concrete and not mixing of concrete, like the Rise Apartments project. He explained that larger concrete pours required upwards of 50 or more trucks for 500 yards of concrete. Ms. Engeman asked for clarification about the start time. Mr. Maholtz responded that smaller pours will begin at 5:30 a.m. and will end at 7 a.m, but the larger pours will begin after 7 p.m. and end at 10 p.m. to allow the concrete to cure for finishing and for beam placement. Mr. Maholtz stated that by the third-floor slab, construction will occupy Beaver Avenue parking and outside of pedestrian areas except for one pour requiring evening shutdown on Highland Alley.

Mr. Murphy asked for clarification about the dates for the 7 p.m. pours beginning no earlier than May 5, 2019. Mr. Maholtz stated that was correct.

Mr. Barlow commented that Mr. Maholtz had avoided the Pennsylvania State University's (Penn State) finals week for beginning the larger 7 p.m. pours. Mr. Maholtz stated yes, that was correct.

The motion passed unanimously.

Request for an exception to the Open Container Ordinance and Approval for the ITGA Conference Opening Reception

Mr. Fontaine stated that the State College Borough and Penn State were co-hosting the 2019 International Town Gown Association (ITGA) Annual conference Sunday, May 19, 2019, through Wednesday, May 22, 2019. He said they proposed to hold the ITGA Conference Opening Reception on a portion of the 100 block of South Fraser Street and in the Dr. Martin Luther King, Jr. Plaza on Sunday, May 19, 2019, from 6 p.m. to 8 p.m. He said that food, alcoholic beverages, and music were proposed to be provided at this reception for conference attendees. He mentioned that in August 2017, Borough Council adopted Special Events Ordinance 2098 that provided Borough Council the authority to grant an Open Container Ordinance waiver under certain circumstances. He said two requirements for an open container ordinance waiver approval included (1) the event must be sponsored or co-sponsored by the DSCID and (2) the location of the event must be within the downtown boundaries established by Ordinance 2098. He said the Borough submitted an application for a Special Activity Permit and a request for an open container exception for the 100 block of South Fraser Street between Calder Way and north of the entrance to the Fraser Street parking garage and for the Dr. Martin Luther King, Jr. Plaza on Sunday, May 19, 2019, from 6 p.m. to 8 p.m. for the ITGA Conference Opening Reception. For setup purposes, the road closure request for this event will be from 12:30 p.m. through 9:30 p.m. He stated that as required by the Open Container Exception Ordinance, the DSCID will be co-sponsoring the event and will recommend approval of the open container exception. He said the 100 block of South Fraser Street and Dr. Martin Luther King, Jr. Plaza were within the downtown boundaries established by Ordinance 2098, and in addition to these two ordinance requirements, the other requirements listed in Ordinance 2098 will be followed. He said that staff recommended Council approve the ITGA Opening Reception event and grant the applicant's Open Container Ordinance waiver request.

Mr. Murphy motioned to approve the open container ordinance exception. Mr. Barlow seconded the motion.

Mr. Brown asked about the number of conference attendees. Charima Young from Penn State said that she estimated up to 120 people. She said that registrations were around 88 people.

Mr. Murphy asked for clarification that the event will be serving alcohol away from the Memorial Walkway. Ms. Young stated they were working with Best Event and they will make sure the alcohol will not be served on the Memorial Walkway.

The motion passed unanimously.

SCASD State High North Fence License Agreement

Mr. Fontaine said the State College Area School District (SCASD)'s High School Building project included placing a fence along the north side of Westerly Parkway for student safety and to encourage pedestrian crossing at the new traffic signal located at the North building's parking lot exit. He said the legal right-of-way for Westerly Parkway was ninety feet, which would require the fence to be placed in an area that conflicted with existing trees and utilities if it were placed outside the right-of-way. Due to these conflicts and the topography, the SCASD desired a license agreement to place the fence in the Borough right-of-way closer to the existing sidewalk along Westerly Parkway. He said the SCASD indicated that they would maintain the existing street tree line which will be within the fenced area in the future, as well as maintaining the fence that matched the one already placed near the High School's South building. He stated the desired fence location was already field reviewed by Borough staff with SCASD staff and their design and construction professionals, and all agreed that the proposed location was acceptable to achieve the desired safety improvements.

Ms. Engeman motioned to approve the agreement. Mr. Myers seconded the motion. The motion passed unanimously.

Planning and Zoning

State College Area School District request for Lighting Amendment for the State College High School South Track located in the R3B Zoning District

Mr. Fontaine stated the SCASD applied for a change to the Zoning Ordinance lighting provisions. He said the applicant's request was for athletic field lighting at a taller height in the R3B Zoning District (Residential 3B). The purpose of this request was to illuminate the high school outdoor South Track located at 650 Westerly Parkway. He said Council received the request at their November 19, 2018 meeting, and referred it to the Planning Commission. The SCASD met with Planning Commission (PC) at their December 5, 2018, and February 6 and 21, 2019 meetings, and received significant input from numerous stakeholders. He mentioned SCASD also held a neighborhood meeting in January 2019 to solicit input from neighbors of the site. During the March 13, 2019 PC meeting, the Commission recommended the ordinance be approved. He said the proposed ordinance required an operational agreement for the lighting. He said Planning staff would present proposed items to be part of future consideration for the operation agreement. He explained that Council was asked to receive the proposed ordinance, schedule a public hearing, and consider enactment for May 6, 2019. He said that staff requested Council receive the recommendation and direct staff to schedule a public hearing and consider enactment at the May 6, 2019 meeting.

Mr. Myers motioned to receive the PC's recommendation and to schedule a public hearing and consider enactment on May 6, 2019. Ms. Dauler and Mr. Murphy seconded the motion.

Mr. LeClear commented that the PC and staff held several meetings about the project and received a lot of public feedback. He stated that the project became less about the text amendment for heights up to 70-feet in the R3B district and more about the use of the lights on the South Track. He said there needed to be a zoning text amendment and a separate operations agreement between Council and SCASD Board. He said the proposed ordinance will allow for the 70-foot height. The operations agreement discussed

when the lights would be shut off after sporting events, frequency of the band marching and location of band practice. He said the PC recommended the increased height and these items as part of the operational agreement. The PC stated that the South Track would only be used for school district sanctioned events, but other community groups also asked for use the South Track. He said the PC recommended to Council to consider whether this operation agreement should allow outside entities to use the facility with the new lighting.

Bob O'Donnell, Superintendent of the SCASD, said the Board approved bids for the Memorial Field project. Mr. O'Donnell stated that what Memorial Field will look like in the fall and were looking to the North Field with lights under construction at this time. He said the South Track and size of the space. He requested to amend the original request to include five abnormal events like home football games there in Fall 2019 only. He said the North Field was not a fenced-in complex like the South Track facility, but he believed that the space and the hill would allow more folks to attend events.

Mr. Myers asked Mr. O'Donnell if the SCASD did that, how would they handle spectators. Mr. O'Donnell responded that the SCASD purchased some moveable bleachers the previous week. He said the hill would provide good viewership and the SCASD could hire more security for larger events.

Mr. Myers commented the broader community endorsed the enhancement of the SCASD project. He said Council endorsed SCASD and residents endorsed keeping the high school in the Borough. He said that Borough and Council will need to accommodate because there was no such thing as a perfect solution when considering what keeping the high school in the Borough does for the community. He encouraged people to support the ability for Council and the Borough to remain flexible so that changes could happen.

Mayor Hahn asked a procedural question regarding an additional amendment that Mr. O'Donnell proposed at the meeting and whether the agreement would need to be re-noticed for the amendment to be incorporated. Mr. Fountaine stated the agreement was outside of the ordinance and that part of the operational agreement needed approval by Council.

Mr. Brown stated that his perception was the SCASD was consistently reluctant to allow the public to use the facilities or grounds unless it was a school sanctioned event. He asked what the rationale behind that was. Mr. O'Donnell said the facilities and grounds were used by the Centre Region Parks and Recreation (CRPR) and other community groups. He said that community churches and youth sports grounds rented the facilities, but that it was difficult to meet demands of those groups. He stated community representatives approached the PC and said that if the SCASD did put up lights but did not allow community groups to use the space, it would be difficult for them to find field space after dark.

Mr. Fountaine said agreement had not been presented yet. He said a draft needed to be readied for Council to consider the Fall 2019 football season. Mr. O'Donnell said that there could be a maximum of five events this fall but not necessarily.

Mayor Hahn asked for clarification on whether the PC gave an opinion about CRPR using the facilities. Mr. LeClear stated that the PC did not give an opinion about outside groups using the facilities, but did state that if community groups were included, there needed to be some protocol in place.

The motion passed unanimously.

Review and Consideration of Local Economic Revitalization Tax Assistance (LERTA)

Mr. Fountaine said the Borough received a request to establish a LERTA District for part of downtown State College. He said a LERTA District would provide the phasing in of increased assessment resulting from projects in the district based on parameters established by the authorizing ordinance. He explained that LERTA was a program created by the Commonwealth of Pennsylvania in 1977 and the purpose of the legislation was to incentivize redevelopment of aging or deteriorating properties. He said Council was asked to consider adopting legislation to allow for a graduated increase in tax payments on improvements to properties in the historic downtown core of the community. He said the LERTA also required other

taxing authorities to pass resolutions or ordinances for this to be a full implementation of the ordinance. He said the LERTA District has also been proposed to be adopted by the State College Area School District and Centre County. He explained that a public hearing and further review meetings will be held prior to Council's final consideration, and that currently, it was anticipated that a public hearing will be held later in April, with final consideration of the ordinance on May 6, 2019. He said the LERTA District Ordinance proposed for State College would only apply to adaptive reuse of properties that were within the LERTA District that were identified as historic buildings in the Centre County's 1982 Historic Resources of the Centre Region survey. He discussed that the Glennland Building was one of 22 buildings that would be eligible for a LERTA if the ordinance was adopted, and the developer of the adaptive reuse of the Glennland Building was available to answer questions that Council had regarding that project.

Mr. LeClear explained the purpose of LERTA was to incentive redevelopment of aging or deteriorating properties. He explained the biggest benefit would come from the abatement of the SCASD taxes. He said the types of properties that qualify for a LERTA included core downtown properties listed in the 1982 Centre Regional Planning Commission report "Historic Resources of the Centre Region." He said that improvements subject to the abatement could only be for rehabilitation or adaptive reuse of the structure and that the building could not be demolished. He stated the LERTA would best serve the Borough if adaptive reuse was encouraged and not new development. He said the improvements were subject to the tax abatement if they were only for commercial (non-residential) usage. He explained the LERTA required an application and approval of the graduated 10-year tax abatement for each property and eligible projects must have a proposed improvement in excess of \$25,000 in value. He noted there were 22 eligible properties except for two properties. He stated all properties listed in the LERTA District will be assessed and taxed at their current rate until the eligible properties were improved in which the property would be reassessed with a new value. He noted that an application for exemption from real estate taxes would be made at any time within five years from the effective date of the ordinance. He explained that doing that will allow for fine tuning of the ordinance and working with the assessment office. He stated that there were sixteen other municipalities with LERTAs in place and he said the ordinance included some items to fix those issues. He said Council could authorize the ordinance after five years with a ten percent increase each year up to ten years. He explained the process of obtaining the tax deferral through LERTA. He explained that the next steps were to bring the ordinance before Council and schedule a public hearing.

Mr. Myers noted that the ordinance will not reduce taxes and it would do a good thing for the community by protecting historic properties. He commented that protecting historic properties was a strategic goal in building a vibrant and diverse downtown and for keeping nearby neighborhoods strong.

Mr. Myers motioned for approval of the LERTA Ordinance and authorize the scheduling of a public hearing. Ms. Engeman and Ms. Dauler seconded the motion.

Ms. Engeman asked which two buildings reduced the number of eligible LERTA properties. Mr. LeClear stated the SCASD administration building near Memorial Field and the James Building slated for demolition sometime during the summer of 2019.

Mr. Brown asked some questions about the identity of the person who sent the Borough a request about the ordinance. Mr. LeClear stated that Gary Brandeis, the owner of the Hyatt Hotel and the developer of the Fraser Center. He said Mr. Brandeis approached Borough staff last year about the Glennland Building

Mr. Brandeis, the developer, stated he approached the Borough back in 2018 about the potential to redevelop the Glennland Building and the availability of a LERTA program. He discussed the availability of a LERTA program already in Bethlehem and Lancaster, PA back in 2018. He stated his organization would not change the exterior of the building or the grounds around it. He said part of his proposal involved the demolition of a small home at McAllister Alley and Beaver Avenue to redevelop it into a hotel property with 72 guest rooms, meeting and conference spaces and a co-working facility.

Mr. Fontaine clarified the location of the demolition. Mr. Brandeis confirmed that the small home was located at McAllister Alley and Beaver Avenue. He said the idea behind the LERTA opportunity were the substantial risks he would take in the redevelopment of the building, meaning there was not a lot of natural risk and in redevelopment of a historic building, the risk would be unknown until the interior demolition inside the façade, under the roof and the parapet. He explained the LERTA opportunity assisted the developer from a financial perspective to manage the development risk. For example, he said because the Glennland Building was built in 1933, the LERTA would allow them to take on additional risks when they take down interior walls, reexamine the location of the old pool, and get under the roof.

Mr. Brown asked does the LERTA mean anything if only the Borough would go into it or would the Borough be legally bound with the school district. Mr. Fontaine said that given the fact that 50 percent of the burden would fall on the SCASD tax, there would be less of an incentive if the SCASD and the County were not part of it. He said all three jurisdictions could adopt the ordinance/resolution, so all the advantages would still be there. He explained the main issue was the terms of the volume and magnitude of the tax.

Ms. Engeman said several people approached her about the former location of the pool at the Glennland Building. Mr. Brandeis stated the pool was removed in 1968 or 1969. Ms. Engemen stated people would love it if the pool was restored. Mr. Brandeis stated the original tile was still in the building and would not be touched to keep the historic nature. He said benefit of the hospitality industry was that they could honor the history of the building on a very large scale. Ms. Engeman asked if they planned to put in a pool. Mr. Brandeis confirmed that they did not plan to put in a pool.

Mr. Brown asked if the Borough would lose a significant source of income from the earned income tax due to the number of professionals currently in the building. Mr. Fontaine said that it was a fair assumption, but he could not answer what that would look like because not all professionals were paying earned income tax in State College. He explained there were employees at the hotel who would also pay that tax. He said that some of the professional offices might remain as part of the building project.

Mr. Brandeis explained the entrance off South Pugh Street on the lower level of the building had a few different tenants like the American Red Cross, a student tutor center, and a dentist. He said the officers would move downstairs to the lower level and the redevelopment project would be on the upper floors. He said they recently authorized one of the dental officers to move downstairs from the first floor to the basement.

The motion passed unanimously.

State College Town Centre

The item was removed from the agenda prior to the meeting.

Public Works

Penn State Planning Module for Collection System Improvements

Mr. Fontaine said Penn State proposed to make improvements to sections of the wastewater collection infrastructure in advance of surface improvements on North Atherton Street and East College Avenue. He stated that since each of these projects involved increasing the current pipe size, the Pennsylvania Department of Environmental Protection (PA DEP) required the Borough to adopt a resolution for amending the official Act 537 plan. He said all planning agencies received the application for requested public comment. There were no forthcoming comment and a full copy of the proposal was available for inspection in the Borough Secretary's office.

Ms. Dauler motioned to approve the proposal. Mr. Myers and Mr. Murphy seconded the motion. There were no questions or comments.

The motion passed unanimously.

Official Reports and Correspondence

Mayor's Report – Mayor Hahn discussed the loss of multiple good people. He noted the passing of Nadine Kofman, the widow of the late Mayor Bill Welch. He said she was active with the Centre Daily Times (CDT), the Centennial Commission, and historic preservation.

President's Report – Mr. Myers reported that Council had met in Executive Sessions on March 21 and March 25 to discuss personnel matters and potential litigation.

Manager/Staff Reports – Mr. Fontaine called Council's attention to an event the MLK Advisory Committee will hold on April 4, 2019 commemorating the 56th anniversary of his assassination. The event will begin at 5:30 p.m. with a brief outdoor ceremony/service and will move indoors for additional programming.

Student Representative Report – Mr. Dougherty noted that next week the UPUA will host Sexual Violence Awareness and Prevention Week. He encouraged everyone to attend the events held on campus. He said that UPUA held its first election this past week. UPUA's new President and Vice President will be Laura McKinney and Jake Griggs. He said the UPUA will hold internal elections this week to determine other positions include the new UPUA representative. He said this will be his last meeting as the UPUA representative and that he enjoyed his appointment. He recalled that Mayor Hahn asked him if he wanted to do this. He responded absolutely and that the position taught him the beauty of engaging with local government. He felt grateful for the mentorship from Council, the Mayor, and Borough staff. He encouraged that the diverse residents deserve excellence and they needed a passion and voice to move forward together. Mayor Hahn said Mr. Dougherty's presence was certainly welcome for the past year.

Adjournment

There being no additional business to discuss, the meeting adjourned at 8:52 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary

Prepared by: Melissa J. Krug, Administrative Assistant