

Meeting Minutes
State College Borough Council
Regular Meeting
Monday, May 6, 2019

The State College Borough Council met in a regular meeting on Monday, May 6, 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, outgoing 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; Matthew Wilson, Assistant Police Chief; Amy J. Kerner, Borough Engineer; Thomas Brown, Facilities Supervisor; Sharon K. Ergler, Assistant Borough Secretary; Thomas R. King, Assistant Borough Manager for Public Safety Jenna Wargo, Planner; Craig Bowser, Chief Technology Officer; Genevieve Miller, UPUA Student Representative and Borough residents and members of the media.

Public Hearing

Hearing for Proposed Text Lighting Amendment to the Zoning Ordinance

Mr. Fountaine explained that the State College Area School District (SCASD) was requesting a proposed change to the zoning ordinance lighting provisions. The applicant's request was for permitting athletic field lighting at a taller height in the R3B Zoning District. Council received the request at their November 19, 2018 meeting, and referred it to the Planning Commission (PC). The PC provided a recommendation at their March 13, 2019 meeting and then Council authorized a public hearing at their April 1, 2019 meeting.

Mayor Hahn opened the public hearing at 7:02 p.m.

Mr. LeClear explained that the State College School District was requesting to increase the permitted height for lights on the South Track from 25-feet to 70-feet. He added that as the proposed amendment was discussed with the PC, a lot of items related to the installation came up. Some of those included noise from the high school band practices, use of the field by outside groups, etc. These discussions created a path for an Operations Agreement related to those uses and other operational issues. Mr. LeClear pointed out that an Operations Agreement would be discussed later if the zoning text amendment were approved. He added that the Centre Regional Planning Agency reviewed the proposed text amendment and had no additional comments.

Amber Concepcion, SCASD Board President, said the School Board thought having the increased height for the lights would provide a more adequate experience. She commented that the band would be able to practice on an actual field rather than a parking lot. Also, the use of the South Track for the various sporting events, provided greater access for as many kids as possible.

Robert O'Donnell, the SCASD Superintendent, said that the lighting would provide a field facility for the marching band, which previously practiced on parking lots; provide track and field participants with increased field opportunities because track was the largest SCASD athletic program; and flexibility for various sports teams. The initial request was modified to include five football games for the 2019 season only because the South Track provided more capacity for seating with the hill area and increased safety because of the fenced-in area.

Mr. Fontaine noted that Borough staff received and distributed to Council numerous written correspondences included in the record for the public hearing from the Centre Regional Planning Agency, Rebecca Dowling, Ted Reutzel, and the Centre Soccer Association (CSA).

Ted Reutzel, a resident of 702 Edgewood Circle and 37-year resident of State College, said he objected to the lighting proposal because it enabled an avalanche of detrimental activities for the residents. He said the SCASD sent a letter to the PC on March 8, 2019, which listed 65 SCASD events and several community activities with a 9:30 p.m. lights shutdown time. He said the community looked at all week days and weekends for the next six months and asked how long it would be until the prevailing time extended until later. He said the extra activities and lighting harmed the quality of life in the neighborhood. He said the North Field was a better solution because it was already approved. He suggested holding community events at the Whitehall Road Regional Park. He investigated prices for fencing of \$50,000 or less if safety was a major concern. The North Field was easier to access for police patrol and emergency vehicles. He urged Council to consider the North Field as an alternative.

Denise Cameron, a resident of 201 Anaconda Drive in Pennsylvania Furnace, stated she was a parent of two SCASD students who play on the football teams. Due to the renovation of Memorial Field, she said the students in different athletic programs and the school band felt a lot of angst about where activities would take place this year. She said she wanted the students, especially the seniors, to enjoy their last year in high school and look back fondly on their time there by holding activities in a meaningful place. She took a tour of the current fields and determined the South Track field did lend itself as the best venue for a temporary location. She said the South Track had good space for the football team, the band and for the community to congregate particularly because of the fencing around the perimeter. She said everyone needed to consider students at the forefront of the issue because they were the future of State College and asked Council to consider approving the lighting.

Jack Walmer, a resident of 701 Windsor Court, said he opposed the lights because he lived on the end of a cul-de-sac with the South Track right behind and above his house. He acknowledged Council could only vote on the height of the lights and operations agreement. He said noise was a potential issue because of the anticipated use of the South Track field for athletic events. He said the North Field was nearly completed so why not use that field instead. He asked for a limit on the nights per week and flexibility on the times the lighting was allowed in a stronger operations agreement.

Janie Schaumburg, a resident of 1387 Marengo Road in Pennsylvania Furnace, said she had two children in 7th and 9th grade who were in the SCASD marching band. She said she felt concerned about students crossing from the new building up to the North Field because it was far and in the dark on Westerly Parkway. She said it was only a matter of time before a student was hit by a car.

Chris English, a resident of 705 Edgewood Circle, stated that his home was 112-feet from the field. He was concerned about the loudness of the sound of the band and the lack of cutoff time for the lighting unless an event occasionally went past the designated time.

Derek Canova, a resident of 709 Edgewood Circle, discussed the value of the neighborhood being considered in the impact of the sound and lights from events. He said the estimated assessed tax value was \$60 million. He asked Council to consider safety, quiet enjoyment and value. He mentioned other quality of life changes throughout the Borough like the distance between single-family homes from 300-feet to 600-feet and student housing and the barricades in College Heights to keep traffic out, which contributed to bettering the quality of life, safety and value of the single-home residents in the area. He said 65 events in 52 weeks a year meant an average of 1-2 events per week, which would significantly

impact the people living in the area because of the noise, increased safety issues, traffic and parking. He said hiring an extra crossing guard would be much less expensive and he would be the first person to volunteer.

Christina Dorsey, a resident of 909 Bayberry Drive and 20-year resident, said that, as a community member, she recognized the sacrifices required of residents. She said she loved the Greentree neighborhood because it was a family-friendly. She said it was the reason her family had not moved to a fifty-five plus community. She said she could hear the baseball games in Haymarket, the fireworks from Spikes games and the band practicing from the parking lots. She said it was the sounds of life in the community and what her family loved most about State College. She asked Council to consider how important it was to continuing making sacrifices for the sake of the community's children.

Matt Vidic, a resident of 114 West Whitehall Road and the President of Centre Soccer Association (CSA), said CSA recently completed their 2018 survey for the Centre Region Parks and Recreation (CRPR) The CSA had 1,044 active participants in one soccer organization. He said that fields with lights were a scarce thing for traveling soccer league teams, and if games get delayed because of inclement weather, games would often not finish because of the lack of good lighting. He said CSA provided a list of proposed dates of when CSA needed the field. He said CSA was not a priority user and preferred to use the North Field or Memorial Field. He said he wanted community uses included in the schedule and suggested a lighting shutoff time at 10:30 p.m. in the summer for some events. He mentioned Welch Pool hosted events until 10:00 p.m. and allowed flexibility for community uses.

Matt Vuallo, a resident of 445 Waupelani Drive, said he played soccer his entire life and played for CSA currently. He said it was great to play on different fields around town, but it would be nice for CSA to be included in the operations agreement. He understood the noise could become obnoxious or games might run late. He said it was not a big deal because he still had to sleep at the same time everybody else did and work early in the morning. He said it was not as big a problem as some people thought it was.

Mayor Hahn closed the public hearing at 7:31 p.m.

Proclamations/Special Business

Women's Lung Health Week – Rose Williams, representing the American Lung Association, accepted a proclamation declaring May 12 – 18, 2019 as Women's Lung Health Week. Ms. Williams said one in five deaths was caused by lung cancer.

Mental Health Awareness Month and Day – Kayla King, Intern and Emily Reed, Office Coordinator from the Jana Marie Foundation accepted the proclamation declaring May as Mental Health Awareness Month and May 18, 2019 as Mental Health Awareness Day. Ms. Reed invited the State College community to spread mental health awareness, resilience and hope. She encouraged the community to spark conversations and build connections. Ms. King said Jam Fest was being held in downtown State College on May 18 where there would be an art and musical festival, including yoga, meditation and the event was free and open to the public.

Ms. Lafer thanked Ms. King and Ms. Reed for starting the conversation and for the work they did. She said the local community did not have enough mental health support systems. She said she was happy to continue to support their organization and the underlying need in the community.

Mayor Hahn said he appreciated the work done by the Jana Marie Foundation. He encouraged everyone to stop by Jam Fest. He added it was an opportunity to meet others and to keep our community well and to lessen the stigma of mental health.

Letter Carriers' Food Drive Day – Kim Randolph and other letter carries from the United States Postal Service accepted the proclamation declaring May 11, 2019 as Letter Carriers' Food Drive Day. Ms. Randolph said she had been a letter carrier for over 25 years and was also the Food Drive Coordinator for both State College and Bellefonte Post Offices. She added that one in six children lived in a food

insecure household and 63 percent of the population had to choose between paying for groceries or medical care.

Kids to Parks Day – Pam Salokangos, the Director of Centre Region Parks and Recreation, accepted a proclamation declaring May 18, 2019 as Kids to Parks Day. She said the proclamation encouraged families to get outdoors and engage in an active lifestyle. She encouraged parents to make time and take their children to a neighborhood, state or national park.

Bicycle Awareness Month/Bike to Work Day - AmeriCorps Volunteer, Jasmine Fields, accepted a proclamation declaring May as Bicycle Awareness Month and May 17, 2019 as Bike to Work Day.

State of Planning Report - Zoe Boniface, Chair of the Planning Commission (PC), reviewed the Commission's 2018 activities. She complimented former PC Chair Michael Roeckel on his service and energy spent on the State College community while he was ill. She said the PC had two new members in 2018. In addition, the PC reviewed several site plans and zoning changes.

Public Hour – Hearing of Citizens

Leslie Laing, a resident of West Aaron Drive in Ferguson Township, thanked Council for the opportunity to speak. She elicited Council's support and immediate action towards local reform. She said it was important to lift her voice in advance of the District Attorney's report expected later that week. She commented that regardless of the outcome of the report and findings, she exhorted Council to act to address the problem. She said her purpose for speaking was to ensure that Council knew the community was calling for reform by transitioning police culture and mentality away from one that was reactive to one that was proactive, which was a fundamental need for public safety.

Frank Savino, the new Executive Director of 4th Fest, said he got to celebrate July 4th every day in his new role. He asked Council to look at the application for 4th Fest. He said the crowds for the parade averaged between 10,000 and 15,000 people and volunteers passed out 10,000 American flags to festival-goers. He said the Borough was supportive of the parade and 4th Fest. He thanked the Borough staff for working with him and said it was never too soon to start planning for next year's event.

Pat Vernon, a College Township resident, discussed the number of things going on in State College. He said only one citizen attended the Public Hearing last Monday and felt the Borough did not get the message out the same way as it was done in the past. He was in Georgetown the other day and saw that Georgetown's local paper had a column and blog called Fixing Georgetown. He suggested a newspaper column, blog and visual display board that discussed the things the Borough was working on. He said the Public Hearing on the Local Economic Revitalization Tax Assistance (LERTA) was an embarrassment and the communication to the public was a failure. He acknowledged hearings were publicized in the Centre Daily Times in the legal section. He said with all the work to pass the Historical Architectural Review Board (HARB), there was no method of funding preservation of historic buildings. He said the LERTA was a five-year tax relief because there was no guarantee that it would work. He said federal funds were another method of historic restoration, which might work better.

Evan Higgins, a resident of 141 Legion Lane, shared his feelings about Mental Health Month. He said the positive comments were good but said that police covering up for the murder of Osaze Osagie was insulting. He discussed how people brushed off a real person and allowed police to murder without impunity. He said he knew Mr. Osagie personally and many people shared his view.

Marsha Mitchell, a resident of 120 East Beaver Avenue, asked about the taskforce report that was done and turned in to the Borough Manager on May 9, 2016. She said some members of the current Council had not yet even read it. She asked for an update on the Borough website with what steps were already taken and what needed to be put into place.

Consent Items

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

- Approve the use of the Municipal Building lobby and restrooms and Sidney Friedman Park, along with the closure of various Borough streets, on Thursday, July 4, 2019, from 12 p.m. to 3:30 p.m., for the annual 4th Fest Independence Day Parade, which is sponsored by the Central PA July 4th, Inc.
- Approve the use of University Drive on Sunday, June 30, 2019, from 7 a.m. to 11 a.m., for the annual YMCA of Centre County's Happy Valley Sprint Triathlon.
- Approve the use of the Dr. Martin Luther King, Jr. Plaza on Wednesday, July 10, 2019, from 6 p.m. to 8 p.m., for a gallery opening at the Art Alliance.
- Award Project 9-2019 for Municipal Building Façade Rehabilitation to Allegheny Restoration, the low bidder, in the amount of \$236,188.

Planning and Zoning

Consider Enactment of Zoning Ordinance Lighting Text Amendment

Mr. Fountaine explained that the SCASD had submitted a request to change the zoning Ordinance lighting provisions. If approved, the ordinance would provide for lighting at an athletic field to be permitted at a taller height in the R3B Zoning District (Residential 3B). The SCASD would install lighting at the high school outdoor South Track Field located at 650 Westerly Parkway. He said Council received the request at the November 19, 2018 meeting, and referred it to the Planning Commission (PC). The PC provided a recommendation to Council at the March 13, 2019 meeting and Council held a public hearing the proposed amendment on May 6, 2019. He stated staff recommended Council vote to adopt the Zoning Ordinance text amendment.

Ms. Lafer stated she had no interest in approving the motion. She said the Zoning Ordinance text amendment should be put on hold because Council was in the middle of a major zoning project. She had read letters from both sides and heard both arguments. She said she would vote against the ordinance. She said that lights at 70-feet would trespass into homes and bedrooms a couple hundred feet away and up to two to three blocks away. She said the same thing happened in her neighborhood. She said the CSA already pointed out that games run late and that would leave the lights on until 11 p.m. or later. She said families could not sleep because of lighting and the noise level. She said the agreement would become null and void over time as events went later and later, and it would become an issue of safety and a matter of quality of life. She said the ambient light and extra noise cause health problems. She said it was nice that the Borough would have extra fields, but the lighting was unnecessary.

Ms. Engeman said there were two separate problems: light pollution and noise. She asked about the lighting on the North Field. Mr. LeClear clarified that the North Field allowed for 70-foot lights and those were already installed but were not operational. Ms. Engeman said the North Field was farther away from residential neighborhoods. Mr. LeClear said there was a presentation available about how the lights work and would impact nearby areas if it would help for clarification. Ms. Engeman said it would help. She said the other issue was the noise and that she could hear the band practicing from her house. Mr. LeClear asked Mr. Harlow from the ELA Group to present some information about the site and lighting.

Matt Harlow, representative from the ELA Group and site planner since the inception of the high school in 2012, said he worked with Mosco Lighting to model the lights according to the ordinance. Mr. Harlow explained that the screen showed the photometric plan provided by Mosco Lighting and the circle around the field was where the lighting would go down to zero-foot candles. He said they worked to push the lighting back from the neighborhood towards the school district. He showed the model with the 40-foot lighting, which would spread the lighting boundaries out further and into the neighborhood. He said the higher the lighting was, the easier it was to pinpoint the lighting down.

Ms. Engeman thanked Mr. Harlow for clarifying and acknowledged it made sense that the higher the lighting was, the more it could be focused downwards, and it addressed the issue of light pollution.

Mr. Myers asked about the current zoning ordinance height for lighting. Mr. LeClear said the current Zoning Ordinance allowed 25-feet, but the current ordinance prohibited any light to pass over the property line. He said the issue was if the lights were at a lower height, there would need to be even more lights and allow more lights to trespass. Mr. Myers said there were two aspects to the ordinance that went together: height and where the lighting trespasses. Mr. LeClear said the SCASD could install numerous 25-foot lights but would need to move them so there would not be a trespass issue. He said the higher 70-foot lights would provide better lighting with less trespass into neighborhoods and anything lower than 40-feet did not require more lights. Mr. Myers asked if it was possible to build towers of 25-feet that did not direct the lighting, so it did not bleed off the property. Mr. Harlow responded that lighting at 25-feet was not at a safe level for sports or events. He said it was not conducive for sports because of shadowing. Mr. Myers asked about the exact rationale for the height. Mr. LeClear said the context was that many years ago, Council changed the zoning districts for the school district properties. He said there was a desire to create zones that were closer to the neighborhoods versus closer to the heart of Westerly Parkway. He said the zoning map showed the high school property was in four to five different zones, some of which allowed for 70-foot high lightings as they were commercial properties and not residential. He said the South Track Field was zoned as R3B because of the mixed, moderate residential use. Many of the buildings in the area to the south were compliant with R3B and the zoning ordinance only allowed for a 25-foot height limit. He noted there was no logic or discussion of the lighting of the SCASD properties at the time but rather an issue of selling the property and building another high school. Mr. Myers commented that, not without sympathy for the folks who live in the area, if the ordinance said lighting could not go off the property then the issue was moot. He understood the issue of noise. He said the community faced a choice when a vote occurred to keep the high school in the Borough or move it outside. He said there was some expansion and some other uses to keep the high school within the Borough limits. He acknowledged the tradeoffs of keeping the high school in the Borough.

Mr. Brown asked why the 30-foot lights on the North Field were not operational. Mr. Harlow responded that the synthetic turf was not down yet. Mr. Brown asked if the SCASD ordered 70-foot lights yet. Mr. Harlow stated the 70-foot lights were not ordered yet, but the SCASD Board approved the purchase of them contingent upon Council's approval. Mr. Brown confirmed that the usage of the other fields was temporary and Memorial Field would ultimately be the location where students and groups would play and practice. Mr. Harlow said the discussion of football games occurring at the other fields as a result of Memorial Field's construction was a separate item. Mr. Brown asked if the goal was to return to Memorial Field. Mr. O'Donnell said the SCASD shared a lot of data on student athletes in the reports over four to five meetings with the PC. He said that moving forward, the SCASD would continue to schedule the fields out with existing inventory including the band's two practices per week as the band complex was in the back of the South Track building.

Ms. Engeman confirmed that the taller lights would spread light further, but the light trespass was greater on the 40-foot lights. She asked about when the artificial turf would become available for the North Field. Mr. Harlow stated the weather was uncooperative but hoped to get the turf installed within the next couple weeks. Ms. Engeman said because of that then the North Field was an option. Mr. O'Donnell said that based on the schedule, there was no way the band would fit the schedule on the North Field, especially in the short term. He said Memorial Field was unavailable beginning next week and SCASD would do a compressed schedule of one year to complete the construction. He said it was not an option to put soccer, hockey and middle school football all on the North Field. He said the band would be in the parking lot and there would be no parking lot. Ms. Engeman confirmed there was a need for both fields. Mr. O'Donnell said there was no parking for events that would take place on the North Field.

Mayor Hahn confirmed that a vote to approve the agreement required a roll call vote, a vote to turn down the agreement required a roll call vote, and if a motion to refer the agreement to a work session also required a roll call vote. Mr. Fontaine said it would not.

Mr. Barlow asked about the long-term plans for the South Track Field. Mr. O'Donnell said the SCASD scheduled things out with all the different teams to ensure students go home at a reasonable hour. He said the band and the track program of over 300 students would utilize the South Track Field. He suggested the allowance of the lights staying on until 7 p.m. and allowing community groups to utilize the field within Council's parameters. He said Memorial Field and the North Field required more flexibility for later events. Mr. Barlow asked what was the latest that the field would be used. Mr. O'Donnell said the details were not worked out yet. He said the band practiced between 6:30 p.m. and 8:30 p.m., with a transition off the field by 9 p.m. and the lights turned off afterward. He said there was a two-hour window for events and games. Mr. Barlow asked when the noise would stop on the field. Mr. O'Donnell said the band was the largest and loudest group along with football games. He said most nights would be practices and then games every so often for lacrosse, field hockey, track and soccer, which would have between 50 to 60 people in the stands.

Mr. Murphy motioned that Council vote to adopt the Zoning Ordinance Text Amendment Agreement as presented. Mr. Myers seconded the motion.

Ms. Dauler suggested amending the motion to postpone the decision and reschedule it for a work session. She said Council received a lot of information and did not have enough time to review it all. She said Council should wait and vote on it after a work session. Ms. Lafer and Mr. Brown seconded the motion.

Mr. Myers had a point of order about the future consideration of the text amendment. Mr. Williams said the Chair needed to make a ruling about whether Ms. Dauler's motion was a motion to table or postpone then Mr. Myers' question would be addressed. Mayor Hahn responded that Ms. Dauler's motion to table meant a motion to postpone.

Mr. Fontaine said the motion to postpone included a timeliness issue to make plans coinciding with the SCASD. He encouraged Council to direct staff to advertise next Monday night's meeting as a special meeting to vote at that meeting so that the discussion on the matter continued.

Mayor Hahn asked what the timeline was for a decision. Mr. Fontaine replied, that given the SCASD was trying to schedule to their fall football season, sooner rather than later was preferable.

Mr. O'Donnell stated the SCASD started the process in November 2018 by approaching Council and the SCASD was working against a deadline. The agreement was part of a short-term and long-term plan, but the SCASD would lose the fall opportunities if Council delayed.

Mayor Hahn stated there was a meeting in May and another meeting on June 3. Mr. Harlow said a meeting in June was not enough time to order, manufacture, and install lights before football season. Mayor Hahn asked if there was any additional motions or motions to amend previous motions. He said Mr. Fontaine suggested a motion to adopt at next week's special meeting.

Mr. Barlow motioned to adopt the amendment to refer the issue to a special meeting during next week's work session. Mr. Brown seconded the motion.

Mr. Myers said Council would approach next Monday's meeting as a voting meeting to make a final decision on the matter.

Mr. Fontaine said he expected staff to advertise the special meeting to dispose of this one item of business.

Mr. Myers stated he would vote in favor of postponing the matter until next week, but said he preferred to vote on it this week. Mr. O'Donnell stated if the written agreement was 9 p.m. then the lights went off at 9 p.m. and other late events could be scheduled on other fields. However, he said that next year was a different situation, but the SCASD agreed to abide by whatever Council agreed on.

Ms. Dauler questioned the concerns raised about the fact that the agreement was not finalized yet. She said people living nearby felt unconvinced or unassured by contents of the agreement and whether they would be abided by. She said she had reservations about going ahead and asked when the agreement would be done. She said one of the Borough's Planners, Anne Messner, highlighted some items of concern within the agreement.

Mr. Fontaine explained it was a two-step process because the Zoning Ordinance Text Amendment would give the legal authority for the agreement. However, Council would still need to vote on the agreement itself after the enactment of the Zoning Ordinance. He said it was Council and the Borough's responsibility to enforce those agreements.

Ms. Dauler asked if the lights' times of operations were part of the agreement. Mr. Fontaine said yes but deferred the question to Mr. LeClear. Mr. LeClear told Council to look at the Ordinance itself, which was under discussion that evening for enactment. He said the Zoning Ordinance laid out certain items which must be in the agreement. One of the items in the agreement was the duration of the lights turned on and the time when the lights must be shut off. He said there were provisions built into the agreement like an automatic opportunity to revisit the agreement after the first year if issues arose.

Ms. Dauler said she felt comfortable with what Mr. LeClear said, but she said it was a lot of information for a complicated process.

Ms. Lafer said there was a singular overlap of problems because Memorial Field overlapped the first year SCASD wanted the lights, but the lights would not come down at the end of the year and would stay there after the completion of Memorial Field. She said light pollution was particularly severe in the community. She said the new LEDs lights were extremely bright and cheap, taking out more and more of the community's local sky. She was concerned because a long-term change was the best option for a short-term need.

Mayor Hahn proposed a two-thirds vote to end the debate. Council voted to end the debate. He said the question on the floor was an option to move the vote during next week's meeting. The motion to move the vote to during next week's meeting passed unanimously.

Mayor Hahn proposed a vote for Ms. Dauler's motion to refer the issue to a work session for further consideration. Ms. Dauler, Ms. Engeman, Ms. Lafer, Mr. Barlow and Mr. Brown voted in favor of referring the issue to a work session. Mr. Murphy and Mr. Myers voted against. The vote to refer the issue to the next work session passed 5-2.

Mr. Fontaine said staff would advertise a special meeting at 6:30 p.m. to deal with the issue and move on to the 7 p.m. work session afterwards.

Enactment of Local Economic Revitalization Tax Assistance Ordinance (LERTA)

Mr. Fontaine explained the Borough Council held a public hearing on April 29, 2019 at 12:00 p.m., in the Municipal Building, to consider the establishment of a Local Economic Revitalization Tax Assistance (LERTA) area and ordinance. The purpose of the hearing was to obtain public comment on the boundary of the district and the draft ordinance. He stated the goal of the LERTA ordinance was for the Borough to encourage improvements, rehabilitation and adaptive reuse of qualified commercial properties in deteriorated areas. He said staff edited the proposed ordinance based on the hearing comments and based on comments received following the introduction of the ordinance and at the public hearing, staff recommended minor revisions to the ordinance. He said Council should review the proposed revisions and move to enact the LERTA ordinance with the required roll call vote.

Mr. Barlow motioned to enact the LERTA ordinance. Ms. Engeman and Ms. Dauler seconded the motion.

Mr. Myers commented that the enactment of the Zoning Ordinance achieved many things on the Borough's Strategic Plan in the Downtown area, especially in the area of building diversity. He said it

would cut down on housing density and allow more space for commercial properties and preserved the historic structures. He said there was no tax forgiveness whatsoever involved in the ordinance. He said it would freeze the tax floor and there was no reduction of the properties' assessed value. He said it did not involve any tax loss. He said some people felt concerned that it was unfair because it might help some and hurt others. He was not sure who it hurt, but it would still help revitalize historic buildings.

Mr. Murphy asked about the \$25,000 minimum raised to \$75,000, which he originally stated was not high enough. He asked for clarification on the dates presented. The duration section stated that any taxpayer granted the exemption prior to May 6, 2029 was entitled to a full 10-year exemption, but the taxpayer must apply within five-years of the enactment of the ordinance. Mr. LeClear stated there was a five-year window for people to apply because they did not want an open window for application. However, once someone applied, they would receive the full 10-year abatement. Mr. Murphy asked if the same thing would be achieved if the program expired in 2024. Mr. LeClear said the statutory abatement only gave 10-years for the life of the Ordinance.

Ms. Lafer commented that people wanted to maintain the essence and ambiance of the Borough because when people, like graduates of Penn State for example, come back, they want to see the things that they remembered. She said Centre County and the Borough required that anything repaired be brought up to code including old buildings that required significant investment. She said it was worth it because it was an extremely good way for the community to work together to maintain the things that people valued. She hoped Council passed the Ordinance and encouraged people who only saw the short-term economic goals to see it from the perspective of maintaining the community.

Mr. Brown said Council received a letter from the West Side Village group complaining about the LERTA. He encouraged the group to apply for LERTA and approach the other organization. He said he was in favor of the LERTA because it benefitted the Downtown area and not seen as discrimination against another part of the Borough.

Ms. Engeman asked if there was anything in the Ordinance to prevent someone from turning \$75,000 into something completely different than stated in the Ordinance. Mr. Fontaine stated the building required adaptive reuse of historic buildings for commercial purposes. He said anything residential-related was ineligible for LERTA and the exterior portion of the building needed to remain in order to qualify. There were 25 buildings in the district available for adaptive reuse.

The motion passed unanimously in a roll call vote.

Public Works

Ordinance for Additional Right-of-Way at West Calder Alley and South Atherton Street

Mr. Fontaine explained there was an Ordinance regarding an additional right-of-way that resulted from the Metropolitan development. He said the Traffic Impact Study required a larger turning radius at the intersection of West Calder Way and South Atherton Street which exceeded the existing Borough's Right-of-Way. He stated staff recommended Council enact the proposed ordinance.

Ms. Lafer motioned to enact the Ordinance. Mr. Brown seconded the motion. The motion passed unanimously in a roll call vote.

Resolution for Net Zero Greenhouse Gas Emissions and 100% Renewable Energy

Mr. Fontaine explained Mr. Barlow introduced a resolution for Council's consideration at the last meeting, which committed the municipality to develop and implement a strategy to achieve net zero greenhouse gas emissions and 100 percent renewable energy no later than 2050. He noted that if Council agreed to pass the resolution, the Borough would become a Sierra Club "Ready for 100" municipality. He said staff recommended Council review and discuss this resolution at the May 13 work session when other sustainability matters were scheduled for discussion.

Mr. Barlow stated the resolution's committed the Borough to achieve net zero greenhouse gas emissions and 100 percent renewable energy. He said the purpose of the resolution was twofold because it set goals for present and future Borough Councils and employees and to also receive national recognition from the Sierra Club. He said State College was the first municipality outside of Pittsburgh and Philadelphia to receive that recognition. He said he worked with a resolution already created by Peter Buckland for Ferguson Township in 2017 with assistance from Alan Sam, the Borough's Environmental Coordinator. He consulted with people at the Sierra Club at the local, state and national levels. He explained the first three paragraphs of the resolution described what State College already accomplished towards its sustainability goals and the next three paragraphs explained the potential impact on the region, Centre County and the Commonwealth of Pennsylvania. He said State College already agreed to adhere to the Paris Climate Change Goals. He noted the disproportionate effect of climate change on poor people, people of color, native people and future generations. He said the last three paragraphs discussed the possibilities arising in dealing with climate disruption and job creation. He said the resolution committed the Borough similarly to 120 other municipalities.

Mr. Barlow motioned to adopt the resolution. Ms. Engeman and Mr. Myers seconded the motion.

Troy Frank, a resident of 1054 Saxton Drive, reiterated the importance and benefits of adopting the resolution. He said it was important for mitigating climate change but also for local economic benefits. It would impact air quality and the health of people living in the community as well as dealing with social equality issues.

The motion passed unanimously.

Award Project 2A-2019 for Street Resurfacing and Underground Utility Work

Mr. Fontaine stated the Street Resurfacing and Underground Utility Work Projected consisted of the replacement of approximately 20 sanitary sewer laterals, 550 lineal feet of 8-inch sanitary sewer main, 620 lineal feet of storm sewer pipe, 2 water services, 53 accessible curb ramps, 1000 lineal feet of curb and gutter and resurfacing of 25,300 square yards of asphalt and miscellaneous appurtenances on Waupelani Drive from O'Bryan Lane to Whitehall Road; Westerly Parkway from Atherton Street to O'Bryan Lane; East Fairmount Avenue from South Allen Street to Garner Street and Lehman Way from North Allen Street to Holmes Street. He stated the Borough received two bids for the project: HRI, Inc. for \$1,329,250.50 and another bid from Glenn O. Hawbaker, Inc. for \$1,686,698. He explained the bid amount associated with the sanitary sewer work exceeded the estimate by \$162,875. The account for this work had enough funds to cover the additional work, but a slip-lining project that was scheduled for later this year would be delayed until 2020. He added the remaining work associated with storm sewers and paving was over the estimate by approximately \$37,000. He said staff recommended Council award Project 2A-2019 to HRI, Inc., the low bidder, in the amount of \$1,329,250.50.

Mr. Brown asked about the delayed slip lining project. Ms. Kerner explained the slip lining project was the rehabilitation of the Borough's sanitary sewers instead of digging them up and replacing the pipe, staff slipped a liner through the host pipe, inflate it and cure it. Mr. Brown asked if the sanitary sewers along Atherton Street were being replaced. Mr. Fontaine stated that some were, and the Borough would have an update from the Pennsylvania Department of Transportation (PennDOT) in June. Ms. Kerner stated the existing contract had a small amount of sanitary sewer included because most of it was not in the roadway or in conflict with PennDOT's work. She stated there would be new frames and lids on all the manholes in the area, but the second area on Westerly Parkway required some work and the Borough was currently compiling that information. Mr. Brown asked Ms. Kerner about the vulnerability of the sanitary sewers under construction along Atherton Street. Ms. Kerner stated they were not as vulnerable because they were not under the street but under the sidewalk area. She said some of them dated back College/Harris/Patton Joint Authority days, probably in the 1970's during the first expansion of Atherton Street.

Mr. Murphy motioned to award Project 2A-2019 to HRI, Inc., the low bidder, in the amount of \$1,329,250.50. Ms. Engeman seconded the motion.

Mr. Murphy asked for clarification that Project 2A-2019 was the first of two projects. Mr. Fontaine stated Blue Course Drive was the second project, scheduled for later in June or July. Mr. Murphy said he strongly encouraged the contractor to start work prior to the start of the Penn State fall semester.

The motion passed unanimously.

Official Reports and Correspondence

Mayor's Report – Mayor Hahn said he wished to report that he received a request for a Special Meeting on Monday, May 15, at 5:15 p.m. He noted that the request was made by Councilmen Murphy and Barlow. He said under the Borough's Home Rule Charter, a meeting shall be called by the Mayor and that there needed to be at least 24 hours-notice of a special meeting. He added that the purpose of the meeting was to receive comments from the community following the release of the DA's Report and to provide the community Council's role in the next steps.

President's Report – Mr. Myers announced that Council met in an Executive Session prior to the meeting to discuss real estate and legal matters. He reminded everyone that May 21 was primary election day and there were several contested offices, including the Borough Council race and a special election for the U.S. Congress. He said absentee ballots were still available for the next two weeks. He urged everyone to make plans to vote.

Manager/Staff Reports – Mr. Fontaine said the Zoning Hearing Board's Annual Report was included with the agenda and was hereby delivered.

Student Representative Report – Ms. Miller said it was a week before finals and it was also Penn State Locals Week. She said the UPUA had encouraged students to file for an absentee ballot so they could vote from home, since the semester would be over before the May 21 election. She commented that the UPUA met with representatives from the National Association for the Advancement of Colored People (NAACP) to schedule a block party for freshmen. No date has been confirmed for the block party. She added that she would be traveling back and forth from New Jersey this summer in order to attend Council meetings on Mondays.

Adjournment

There being no additional business to discuss, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary

Prepared by: Melissa Krug, Administrative Assistant