

Meeting Minutes
State College Borough Council
Regular Meeting/Work Session
Monday, June 17, 2019

The State College Borough Council met in a regular meeting on Monday, June 17, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Hahn called the meeting to order at 7 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; Thomas R. King, Assistant Borough Manager for Public Safety Jenna Wargo, Planner; Alan Sam, Borough Arborist; Craig Bowser, Chief Technology Officer; Genevieve Miller, Student Representative; Stacy E. Hall, Administrative Assistant; Borough residents and members of the media

Public Hour – Hearing of Citizens

Brian Mizikar, a resident of 1235 Old Boalsburg Road, said he was concerned about the serious issue of short-term rentals in the Borough. He said there was tension between short-term rental landlords and residents in the neighborhoods. He said many short-term rentals were being operated in a disruptive manner and neighborhoods and community members needed to be put first. He added long-term rental rules should also apply to the short-term rentals as they should not be used for hosting large gatherings and the number of short-term rentals should be regulated. He said he hoped short-term rentals would be stopped altogether as they were inconsistent with a zoning definition of single-family housing and had a negative impact on employment as the growth of such dwellings were reducing the supply of houses available by serving travelers.

Bob Haffner, who resides at 1227 Old Boalsburg Road, said he had been a Borough resident for 38 years and thought neighborhoods were not supported because of the number of tourist homes popping up. He said he would like to see an expansion of programs to assist with affordable housing for people who wish to reside full-time in the Borough. He said he would like to see regulations to control the number of unoccupied owner-owned homes.

Rich Fitzgerald, who resides at 241 Hillcrest Avenue, said he would like to address the Neighborhood Sustainability Program. He reported the program had been put on hold per the Redevelopment Authority and he thought the program should be eliminated because it had been losing money and there were no records in regard to what it took to pay staff and other expenses. He hoped Council would take a good look at the program and keep it off the table permanently.

Mr. Fitzgerald said the Police Department was having difficulty identifying a company capable of providing service to maintain the video from the new body cameras. He suggested the Borough team up with Patton and Ferguson Townships to get the program up and running.

In response to Mr. Fitzgerald's comments, Mr. Fontaine said tourist homes were illegal in residential districts and enforcement was taking place. He said recommendations would be provided to Council on moving forward with regulations regarding short-term rentals.

Mr. Fontaine said the Neighborhood Sustainability Program was on hold until early 2020 when Council and the Redevelopment Authority would agree to move forward or to stop it altogether.

Mr. Fontaine said the body cameras approved by Council had been acquired and technology issues had been resolved. He said policy, procedures and training was in place for the officers so body cameras could be deployed by mid-August.

Items of Information from Council Members

Mr. Murphy expressed how thankful he was for Pride Month along with the presence of the rainbow throughout the community. He said he had received positive feedback regarding the values in the community. He asked everyone to remember there were many in the community sacrificing their lives to live openly.

Consent Items

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

- Approve Payroll and Accounts Payable vouchers for the month of May 2019 totaling \$3,629,686.87.
- Reject non-responsive bid for Project #01-2019 (Sidewalk Replacement Project) from Dan-Beck, Inc. For \$172,925 and authorize staff to re-bid the project.

General Policy and Administration

Approve the KCF Technologies, Inc. Request for Road Closure, Request for an Exception to the Open Container Ordinance and Request for a Noise Waiver

Mr. Fontaine said KCF Technologies, Inc. had applied for a Special Activity Permit to close a portion of the 100 block of South Fraser Street and use the Dr. Martin Luther King, Jr. Plaza on Monday, July 8 from noon to 11 p.m. for a private reception. As part of the application, they had also requested an open container exception and noise waiver.

He said the event was being co-sponsored by the DSCID contingent on the following:

- KCF Technologies, Inc.'s satisfactory completion of all requirements set forth by the Borough of State College.
- DSCID named as additional insured on General & Liquor Liability policy of no less than \$1,000,000 per occurrence limit. The coverage should be on a primary and non-contributory basis.
- KCF Technologies, Inc. would indemnify the DSCID, signing an indemnification agreement.

He said the portion of the 100 block of South Fraser Street where the Open Container Ordinance waiver was being requested was within the downtown boundaries established by Ordinance 2098. In addition to these two ordinance requirements, the applicant had agreed to meet the other requirements listed in Ordinance 2098. He recommended the Open Container waiver application be approved with conditions.

He said staff was recommending Council conditionally approve the KCF Technologies, Inc. reception event granting the applicant both an Open Container Ordinance and Noise Control Ordinance waiver with conditions.

Ms. Engeman made a motion to conditionally approve the KCF Technologies, Inc. reception event granting the applicant both an Open Container Ordinance and Noise Control Ordinance waiver with conditions. Ms. Dauler and Mr. Murphy seconded the motion. The motion passed unanimously.

Planning and Zoning

State College Town Centre Redevelopment Project Approval

Mr. Fontaine said the Redevelopment Authority's selected developer for the State College Town Centre redevelopment project, Highland Holding Group (HHG), presented a proposal to the Redevelopment Authority (RDA) and Borough Council in response to RDA's Request-for-Proposal. He said staff and the Borough Solicitor reviewed the requirements of the Pennsylvania Urban Redevelopment Act and the roles each entity plays in land disposition and the execution of a development agreement to implement the redevelopment area plan during the joint Council and RDA meeting on April 25, 2018. He said the final documents related to the Redevelopment Plan and Agreement, the Land Development and Repurchase Agreement, the Deed and Restrictive Covenants were presented to Council on June 3 and discussed at the June 10 work session. He said staff recommended Council approve the State College Town Centre agreements and authorize the officers of the Borough to execute the documents.

Mr. Myers made a motion to approve the State College Town Centre agreements and authorize the officers of the Borough to execute the documents. Ms. Dauler seconded, and the motion passed unanimously without discussion.

Official Reports and Correspondence

Mayor's Report – Mayor Hahn congratulated the State High sports teams on their seasons and mentioned several individual students on various sports teams. He stated the importance of students being involved in sports activities to build leadership skills.

President's Report – Mr. Myers announced the appointment of Mr. Fontaine to the Special Hiring Committee to hire a new COG Executive Director when Jim Steff retires next year. He said there would be one representative for each municipality. Mr. Myers thanked Kevin Kassab, Community Engagement Director, for organizing the Diversity Inclusion Seminar last week at the Penn Stater Conference Center. He also thanked Mr. Murphy for his comments on Pride Month earlier in the meeting.

Regional Committee Reports

Executive Committee – Mr. Myers said the Executive Committee would be meeting on June 18 to set the agenda for the next COG General Forum meeting.

Finance Committee – Mr. Myers said Cathi Alloway and staff from the Schlow Centre Region Library gave a detailed report on fundraising and the library budget. He said the staff did an excellent job representing what the library was doing in raising funds and how those funds were spent.

Human Resources Committee – Mr. Brown said the Human Resources Committee met in early June, but he was unable to attend. He noted that the Committee was working on the personnel handbook.

Parks Capital Committee – Ms. Engeman said the Parks Capital Committee had not met since the last report.

Public Safety Committee – Ms. Dauler said the Public Safety Committee met, but she was unable to attend. She said it was reported to her that the agenda was taken up with a 2020 program review with reports from Centre Region Codes, Fire Protection and Emergency Management.

Public Services Committee – Mr. Barlow reported the Public Services Committee formed a Climate and Adaption Group at the COG level. He said they discussed the refuse and recycling bid for the other municipalities and shared the news of Pam Adams being promoted as the new Sustainability Officer.

Transportation and Land Use/MPO Committee – Ms. Lafer said the Committee did not meet.

Ad-Hoc Facilities Committee – Mr. Murphy said the Ad-Hoc Facilities Committee met and recently added an intern who was a retired building maintenance professional. He said a new facilities position would be in the Capital Improvement Plan coming up later in the year.

Centre Area Cable Consortium – Ms. Dauler reported negotiations were continuing with the Centre Area Cable Consortium and there was nothing new to report.

Regional Fire Safety Program Steering Committee – Mr. Murphy said the Committee met in June to decide how to change the force from volunteer to career. He said the conversations needed to start now before there was a shortage of volunteers. He reported the cost of the transition would add approximately \$6 million per year which was currently not in the COG budget.

Manager/Staff Report - Mr. Fontaine reviewed the July meeting schedule. He said for the past three months the community conversation had been around racial and diversity equity since the events of March 20. He said he and other Borough staff had regular dialogue with community members along with equity and mental health service staff. He said he had received numerous suggestions from community members.

Mr. Fontaine said staff was talking with Penn State faculty and community members to identify people to be a part of an advisory group for equity and inclusion within the community. He said it would be a focused group aimed at evidence-based solutions. Staff had been looking at racial equity plans and had been engaged in conversations with the National League of Cities (NLC) talking about assistance and facilitation of conversations. He added Community and Campus in Unity had small group conversations scheduled in July and August and would give reports on at least a monthly basis to Council.

Student Representative Report - No report was given.

Recess to Work Session

Mayor Hahn recessed the regular meeting to a work session at 7:57 p.m.

Review of 2020-2024 Capital Improvement Plan (CIP)

Parks

Alan Sam, Borough Arborist, gave a detailed review of the 2020-2024 CIP for Parks. He said upcoming projects were park land acquisitions and improvements along with park maintenance. He said the Action Sports Park was another project included in the CIP. He noted in 2020 planned projects would be replacing large play structures in East Fairmount Park as well as resurfacing tennis and basketball courts in various other parks. He added in 2021 planned projects would be replacing large play structures in High Point Park and restroom roof replacement and accessibility improvements at Holmes-Foster, Orchard and Sunset Parks. He noted in 2022 he would like to see the pavilion replaced and a new permanent bathroom facility constructed at Lederer Park. He said in 2023 and 2024 he hoped to design and construct a gravel upper park access drive and plant a woodland garden and mountain overlook. He concluded by saying staff would be working with ClearWater Conservatory staff on the projects.

Ms. Engeman asked if there was a commitment to discontinue the use of pesticides. Mr. Sam answered not presently, but a plan was being developing along with research to develop a policy to stop the use of pesticides.

Ms. Lafer said she was pleased the Action Sports Park was a part of the CIP as it would provide a place for kids to play and experience both individual and group sports. Mr. Brown and Ms. Lafer expressed they would like the Action Sports Park to remain a Borough project and not a COG project.

Parking Fund

Rick Ward, Parking Manager, gave a detailed review of the 2020-2024 CIP for the Parking Fund. Mr. Ward said the projects included in the CIP were a new parking structure and a unified parking platform, but parking garage maintenance must be kept up as well. Mr. Ward said a parking supply and demand study done in 2015 showed an additional parking structure was needed. He said the study would be updated in 2020 and would include the updated parking demand for Downtown State College. He added the Pugh Street Garage was nearing the end of its useful life as it was built in 1972. He explained the unified parking platform would replace assets including parking kiosks, garage access and revenue control equipment, license plate recognition systems and permit and enforcement software. He said replacing the equipment would ensure systems would integrate with each other to improve the efficiency and service of the Parking Department.

Mr. Barlow asked where the additional parking structure would be located. Mr. Ward answered no specific places have been identified, but staff was keeping an open mind about it.

Adjournment

There being no further business to discuss, Mr. Myers made a motion to adjourn the work session at 8:19 p.m. Ms. Lafer seconded the motion, and all were in favor.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary

Prepared by: Stacy E. Hall, Administrative Assistant