

Meeting Minutes
State College Borough Council
Work Session
Monday, July 8, 2019

The State College Borough Council met in a work session on Monday, July 8, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mr. Myers called the work session to order at 7 p.m.

Present: Evan Myers, Council President
Jesse L. Barlow
David J. Brown
Catherine G. Dauler
Janet Engeman
Theresa D. Lafer
Dan Murphy

Absent: Donald M. Hahn Mayor

Also Present: Terry Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Dwight Miller, Finance Director; P. Rick Ward, Parking Manager, Craig Bowser, Information Technology Manager; Roger A. Dunlap, Assistant Borough Manager/Chief Financial Officer; Thomas R. King, Assistant Borough Manager for Public Safety; Deborah A.S. Hoag, Director of Public Works; Lisa Thompson, HR Generalist; and Borough residents and members of the media.

Public Hour – Hearing of Citizens

There were no members in the audience who wished to discuss items that were not on the agenda.

Intermunicipal Liquor License Transfer Request for 138-142 East College Avenue

Mr. Myers said this was a closed discussion between Council members with input from staff. The public comment period ended at the public hearing previously held on July, 1, 2019. Mr. Myers added that even though this was not a voting meeting, Council would need to move to a straw vote to get a consensus.

Mr. Fountaine said that in April of 2019, Council received an application for a “Restaurant” liquor license transfer from Moerschbacher Enterprises, Inc., located at 2280 Commercial Boulevard, College Township, to 138 & 142 East College and 114 South Pugh Street, State College,. He noted that Chapter V, Part C, Section 303.e of the Borough’s Codification required that the Borough hold a public hearing to determine whether to approve the transfer of the liquor license into the Borough. He said Council was asked to review and discuss the record of the hearing and provide direction to the Solicitor on any specific conditions Council deemed appropriate to set and whether it planned to approve the request. He said Council would vote to approve or deny the liquor license transfer request at the July 15, 2019 meeting, but no later than the August 5, 2019 regular meeting.

Mr. Williams said there were several individuals that wanted to testify regarding the liquor license transfer and Council could choose to reopen the record at the next meeting if they desired. He said Council members in attendance did not feel they should reopen the record and would take formal action on the request at the next meeting. He highlighted information contained in the agreement regarding food to alcohol ratios and requirements of the agreement.

Ms. Engeman asked for clarification on the number of establishments that already had these types of conditions placed on them and what those restrictions were.

Mr. Barlow also asked what restrictions were currently in place for the Federal Taphouse.

Mr. Williams reviewed some of the restrictions that were currently in place for other establishments and why the different restrictions were in place.

Mr. Brown asked Mr. Williams to define what the definition of offending against the morals, which was a term that the State used. Mr. Williams said the definition was one that would offend community standards. Mr. Brown said he felt troubled by the 65/35 ratio and he wanted to change the ratio to 60/40.

Ms. Lafer said her response was only to deal with the liquor license and that the Borough had too many liquor licenses, but that there was a reasonable request to bring in a license from someplace else. She said she would accept the 60/40 ratio, but the owners could not drop it as much as they wanted to.

Mr. Barlow said he would take it a little further and make it 40 percent like the insurance company suggested.

Ms. Dauler said she was glad to see that there will be a review after a year, but she agreed with Mr. Brown and what the others said about the modifying percentages in the agreement. She said she would go with the 40 percent. She suggested waiting until there was a full Council because she and Mr. Barlow will not attend the next meeting.

Mr. Murphy said he agreed with changing the ratio requirement or eliminating it all together.

Ms. Engeman agreed that the 65/35 ratio was not reasonable.

Mr. Myers said things change and concurred with no restrictions in place for the establishment.

Mr. Williams said he wanted a clarification on the percentages of food and alcohol.

Mr. Myers asked other Council members to give a sense of what they would like to see as restrictions in the agreement. He asked who was in favor of no restrictions by raising their hands.

Ms. Dauler said she had concerns about the fact that Mr. Myers asked members to show a vote by raising their hands.

Mr. Myers thanked Ms. Dauler for pointing that out and instead asked Council to concur if the majority was in favor of no restrictions.

Mr. Murphy asked for clarification on some of the requirements in the agreement that discussed renting the facility.

Mr. Fontaine said he believed there would be a full Council at the August 5 meeting, which was the deadline.

Ms. Lafer said she had concerns with making the owners wait for another 3 weeks until there was a vote and felt they should not wait.

Mr. Murphy said he would like to wait until August 5.

Ms. Dauler said she would also like to wait.

Mr. Barlow said he was going to be absent next week, but he did not wish to make them wait.

Mr. Myers said there seemed to be a strong majority to move forward with keeping the item on the agenda for a vote at the next meeting.

State College Area School District South Track Lighting Operational Agreement:

Mr. Fontaine explained that, as required by the recent amendment to the Zoning Code that allows for a height increase in outdoor lighting, a draft agreement setting forth the operational terms had been developed. The staff of the State College Area School District (SCASD) and the Borough prepared an agreement, which was reviewed with residents in the neighborhood adjacent to the South Track at the State College Area High School. He said modifications were made to the draft agreement based on those discussions. He noted that the agreement draft was distributed to both the School Directors and Council on July 1, 2019, and both boards were scheduled to act on the agreement at their respective meeting on July 15, 2019. He said Council was asked to provide any additional comments related to this agreement at this meeting. He stated that Borough staff and SCASD staff met on Friday to review comments from the SCASD Board discussion, and that any modifications to the agreement resulting from that discussion will be distributed at the meeting on July 8. He said that SCASD changed their meeting date to August at which time they will vote. He reviewed some minor modifications to the agreement.

Mr. Myers said Council was not going to vote on this for a month from now because they just received the minor modifications that Mr. Fontaine reviewed.

Ms. Lafer said she was able to join the School Board and invited the neighbors to walk the field and see where the lighting would go as well as several other things. She said the school band also joined the group so the neighbors were able to hear any sound that might impact the neighborhood.

Mr. Brown said he had a few concerns and observations regarding the sound amplification. He said he wanted to tighten up the language of the agreement a little. He asked what was meant by "this shall continue from year-to-year." Mr. Fontaine replied that the agreement stayed in effect unless one of the mutual parties intended to amend the agreement. Mr. Brown said he would like to see the language tightened up regarding the planting of trees and who was responsible. He recommended that the School Board made a concrete plan and not just proposals. Mr. Fontaine said the sound amplification language was an attempt to mitigate that issue.

Mr. Murphy said he wanted to confirm that there were no competing or redundant ordinances that this would reinforce or contradict the agreement. Mr. Fontaine said the Borough's Noise Ordinance would essentially impact the agreement and allow extensions for the 2019 football season.

Mr. Myers asked which supersedes which. Mr. Fontaine explained that the agreement with SCASD would override the ordinance since it was an agreement to modify something.

Mr. Murphy questioned the language regarding the 8:45 p.m. language and said he felt it needed to be more specific. He said he was concerned about safety and allowing the marching band to use South Track.

Mr. Williams said he believed their intention was to allow the school band to use the parking areas for practice, as they have in the past. Mr. Fontaine said he would confirm the 8:45 p.m. shutoff time and see if it was the SCASD's goal or a recommendation of the community.

Ms. Lafer said that the South Track was specifically where they want to perform band practice permanently.

Mr. Myers commented that there were some issues with sound and lighting, but the SCASD asked Council to approve this because it benefitted the community. He said the Borough asked the SCASD to approve the Local Economic Revitalization Tax Assistance (LERTA), which also benefits the community.

National Citizens' Survey Monthly Update

Mr. Fontaine stated that, in December 2018, Borough staff provided Council with an overview of the 2018 National Citizens' Survey results from the surveying of State College Borough residents in 2018. He said the survey was part of the National Citizens' Survey by the National Research Center, Inc., and that this year, staff would periodically provide Council with an overview of the survey results of specific

components or sections of the report. He said that staff would review the Economy section of the report. He said that no action was required of Council at this time.

Mr. King presented information regarding the National Citizens' Survey Monthly Update Economic section of the report.

2020-2024 Capital Improvement Plan (CIP) Wrap Up

Mr. Fontaine explained that Council was to provide guidance to staff on any questions or changes that it wished to make in the CIP. He said that this review would also take into consideration all the oral and written comments that were part of the June 1 Public Hearing record. He said Council will be asked to approve the 2020-2024 CIP at the July 15, 2019 meeting. He provided Council with information and went through the CIP to see if there were areas that Borough staff needed to change, update or revise. He said the schedule called for adoption no later than August 5, 2019 or it could be as early as Monday, July 15, 2019.

Council had a short discussion regarding projects proposed in the CIP. Mr. Myers noted that Council will vote on the approval of the CIP at the July 15, 2019 meeting.

Adjournment

There being no new business to discuss, the meeting adjourned at 8:27 PM.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary

Prepared by Lisa M. Thompson, HR Generalist