

Meeting Minutes
State College Borough Council
Regular Meeting
Monday, October 14, 2019

The State College Borough Council met in a regular meeting on Monday, October 14, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Hahn called the meeting to order at 7:01 p.m.

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

Also Present: Edward LeClear, Planning Director; Genevieve Miller, Student Representative to Council; Dwight Miller, Finance Director; Douglas Shontz, Communications Specialist; Craig Bowser, IT Manager; Maureen Safko, Senior Planner; Greg Garthe, Zoning Officer; Thomas R. King, Assistant Manager for Public Safety; Sharon K. Ergler, Assistant Borough Secretary; Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; and Deborah A.S. Hoag, Director of Public Works; interested residents and members of the media.

Public Hearings

Public Hearing for 2020-2024 Consolidated Plan and 2020 Annual Action Plan and the 2020-2024 Fair Housing Analysis Update

Mr. Fountaine said Federal regulations require communities that receive entitlement Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds from the U.S. Department of Housing and Urban Development (HUD) to complete a Consolidated Plan, which is a five-year planning document that identifies a community's overall housing and community development needs and outlines a strategy to use the federal funds to meet those needs. State College Borough has completed a draft Consolidated Plan covering the period from 2020-2024. The Action Plan portion of the Consolidated Plan identifies the activities to be undertaken with CDBG and HOME funds during 2020.

Additionally, recipients of entitlement CDBG and HOME funds are required by HUD to prepare an update their Fair Housing Analysis approximately every five years. State College Borough prepared the 2020-2024 Consolidated Plan and the 2020-2024 Fair Housing Analysis Update concurrently and is concluding the citizen participation component of the process by conducting a public hearing to offer the opportunity for public input on the drafted documents.

The draft 2020-2024 Consolidated Plan including the 2020 Annual Action Plan and the 2020-2024 Fair Housing Analysis Update were distributed to Council under separate cover. A public hearing was held on May 7, 2019 to identify community needs. The CDBG Citizens' Advisory Committee reviewed the documents at its meetings on June 25 and August 6, 2019 and unanimously recommended that both documents be approved by Council as presented, pending public comments. The Plan and the Update were advertised and made available for public review in the Planning Office, at Schlow Centre Region Library and on the Borough's website from September 4, 2019 through October 4, 2019.

Council was asked to take comments on the 2020-2024 Consolidated Plan and 2020 Annual Action Plan and for 2020-2024 Fair Housing Analysis Update during the public hearing and may act on recommendations later in the meeting.

Mayor Hahn opened the public hearing at 7:02 p.m. There was no one in the audience who wished to speak during the public hearing, so he closed the hearing at 7:03 p.m.

Proclamations

Military Appreciation Week – Mayor Hahn had issued a proclamation declaring November 8-16, 2019, as Military Appreciation Week and presented it to Charima Young, Penn State's Director of Local Government and Community Relations. Several representatives from Penn State came forward to accept the proclamation.

The Queen's Six Day – Mayor Hahn presented Karen Blair, from The English-Speaking Union Central PA Branch, with a proclamation declaring October 24, 2019 as The Queen's Six Day in the Borough.

Ms. Blair said as President of the English-Speaking Union for the past 6 years, she said she had worked with the State College School District and Jill Campbell and bringing the Queen's Six Day to State College was a benefit to the State High students and students throughout Central PA.

Public Hour – Hearing of Citizens

Albert Jarrett, Foxdale Resident, said he had served on the State College Borough Water Authority for the past 20 years. He said although he was no longer on the Board, he had chosen to write and develop a history of the water system in State College. He commented that he was looking for good data from the period 1936 to 1950 and was hopeful the Borough would share anything it had in its archives during that time period.

Ellen Jarrett, 500 East Marylyn Avenue #36, said she was concerned about the driveway coming out of Foxdale in front of their main building. She commented that cars are often parked right up to the edges of the driveways. She said it made it almost impossible to see anything coming from the right. She said this made it a very dangerous intersection. She asked if some parking restrictions could be put into place, such as a one- or two-hour limit or no parking at all along that portion of the street.

Mayor Hahn noted that Public Works Director Deb Hoag was taking notes on Ms. Jarrett's request and it was something she would refer to the Transportation Commission. Ms. Hoag said she would see if there was something the Commission could do there with some type of parking restrictions. Ms. Jarrett said thank you because there was an accident there earlier that evening and it was a scary intersection, especially with older drivers.

Consent Items

Mr. Myers made a motion to approve the following Consent Items. Ms. Lafer seconded the motion, which passed unanimously in favor.

- Approve the closing of various Borough streets on Sunday, October 27, 2019, from 6:30 p.m. to 8 p.m., for the Annual CRPR Halloween Parade. Please note the route change due to construction at Memorial Field.
- Approve, with conditions, the use of various Borough Streets on Saturday, November 9, 2019, from 9:00 a.m. to 2:00 p.m., for Cranksgiving.
- Approve Payroll and Accounts Payable vouchers for the month ended September 30, 2019, totaling \$3,725,164.04.
- Approve minutes from the meetings held in July:

July 1, 2019	Regular Meeting
July 8, 2019	Work Session
July 15, 2019	Regular Meeting
July 29, 2019	Work Session

- Approve the Engage 6 Website Upgrade Contract with current website vendor CivicPlus, in the amount of \$13,574, which will be billed annually for the next three years.
- Approve the resolution authorizing the Manager or his designee to execute the application, plans and permits, as appropriate, for the traffic signal upgrades that include new traffic mast arms, new pedestals, and new stub poles with signal heads, signs and pushbuttons being constructed at North Atherton Street (SR3014) and Curtin Road.
- Ratify the Administrative approval of the application to authorize PennDOT to proceed with the design and permitting to finish the sanitary sewer design application for the Atherton Street Project.
- Accept the resignation of Justin Wheeler, with regret, from the Tree Commission effective immediately.
- Receive a Petition to Vacate a portion of Fox Alley between 420 and 448 East Prospect Avenue refer the matter to the Planning Commission for its review and recommendation and schedule a public hearing on this petition for December 2, 2019.

General Policy and Administration

Summers on Allen Street Closure

Brad Groznik and Molly Kunkel, Executive Director of Centre Foundation, provided a presentation on the “Summers on Allen” proposal and application. The application proposed to turn the 100 block of South Allen Street into an inviting and engaging pedestrian plaza with seating, landscaping, a play area for children, a small stage for performances and painted crosswalks.

The closure was proposed to take place beginning on May 11, 2020 following Penn State’s graduation weekend and Mother’s Day. The closure would end 8 weeks later on July 5, 2020 so there is ample time to set up for the Central PA Festival of the Arts.

Ms. Kunkel, said with a grant from The Knight Foundation Fund, the Centre Foundation has funding to create a space for the community to engage and interact and it will bring more people downtown during a time that is traditionally slow.

Mr. Fontaine said no action of Council was required at this time. Mr. Groznik’s report was for information only. The applicant would return later this year for Council’s consideration and vote.

Approve a Contract to conduct an Assessment of the State College Police Department

Mr. Fontaine said the Borough had identified consultants that were able to provide an independent review and assessment of the State College Police Department. The International Association of Chiefs of Police (IACP) submitted a proposal to conduct a systematic evaluation of the operation of the State College Police Department. The project will involve a comprehensive and independent assessment of State College Police Department’s critical policies, practices, and procedures and provide actionable recommendations in areas in which improvement is identified by the three (3) consultants. The results of this assessment will help further progressive change within the agency and set the course for improved interactions with all segments of the community. The IACP’s proposal was included with the agenda.

The proposal had identified three (3) experienced law enforcement professionals. They include Dr. Jessie Lee, Lead Subject Matter Expert, who is the former Executive Director of the National Organization of Black Law Enforcement Executives (NOBLE), Chief Sue Riseling, former and long-standing Chief of Police at the University of Wisconsin-Madison, and Mark Lomax, retired Major with the Pennsylvania State Police.

The proposal provided a six- (6) month timeline for the consultants to complete the work. The cost of the proposal was \$60,000. Funding for this work was included in the special appropriation approved by Council previously.

Mr. Fontaine further explained that in addition to this proposal, Council previously approved a \$100,000 contract from the National League of Cities Race, Equity, and Leadership (REAL) to conduct an assessment, provide training and develop a Racial Equity Plan for the Borough. Also, Council and the Centre County Commissioners jointly formed a Task Force on Mental Health Crisis Services. Lastly, Borough staff were currently in communications with several Penn State professors to discuss what role they may be able to play from an academic standpoint regarding mental health, race, including the intersectionality of mental health and race, and best practices around police policies and procedures.

Mr. Myers made a motion to approve the contract between the Borough of State College and the International Association of Chiefs of Police. Mr. Barlow seconded the motion, which passed unanimously.

Parking

Downtown State College Holiday Parking Program

Mr. Fontaine said attached to the agenda was a request from the Downtown State College Improvement District (DSCID) to approve the Holiday & Courtesy parking program for the 2019 holiday season. The 2019 program was the same as the approved 2018 program. It included free parking validations to be used every day at all municipal parking garages, beginning December 1 through January 2, 2020. The validations would be provided by the downtown merchants to their customers. The DSCID had also requested the holiday courtesy parking program be done again this year during the same period with only two courtesy cards being issued per license plate. The DSCID also requested that the parking garages and on-street meters become free to all parkers starting on December 23 through New Year's Day on January 2, 2020.

Ms. Dauler made a motion to approve the free holiday and courtesy parking program for the 2019 holiday season as described above. Ms. Lafer seconded the motion, which passed unanimously.

Planning and Zoning

2020-2024 Consolidated Plan and 2020 Annual Action Plan

Mr. Fontaine said the 2020-2024 Consolidated Plan and 2020 Annual Action Plan that was introduced during the Public Hearing held earlier during this meeting was also provided to members of Council for review.

The Borough's Citizen Participation Plan required that a specific process be followed prior to Plan submittal to HUD. Through a process that started in December of 2018, all the required steps have been completed except for approval of the 2020-2024 Consolidated Plan and 2020 Annual Action Plan by Council.

No public comments were received on either of these.

Ms. Lafer made a motion to approve the 2020-2024 Consolidated Plan and the 2020 Annual Action Plan for submitting to HUD. Mr. Barlow and Ms. Engeman seconded the motion. The motion passed unanimously.

2020-2024 Fair Housing Analysis Update

Mr. Fontaine said Communities that receive entitlement Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds from HUD had an obligation to affirmatively further fair housing and must periodically update their Analysis of Impediments to Fair Housing Choice. The update included a review of the steps taken to address the impediments already recognized and identifies new or additional obstacles to fair housing. HUD recommended that the update to the Analysis occur in conjunction with the development of the 5-year Consolidated Plan.

Further, the 2020-2024 Fair Housing Analysis Update presents an overview of the community in general and fair housing practices specifically for both the Borough and the Centre Region. It showed that while there was no evidence of widespread violations of fair housing laws, as was noted in previous Fair Housing Analyses, there was still a lack of affordable housing. Since members of protected classes often had low or moderate incomes, the affordability issue becomes a fair housing issue.

Mr. Fontaine said the CDBG Citizens' Advisory Committee reviewed the update at its meetings in June and August 2019 and unanimously recommended that it be approved by Council. The update was available for public review in the Planning Office, at Schlow Centre Region Library and on the Borough's website from September 4, 2019 through October 4, 2019.

Ms. Lafer made a motion to accept staff's recommendation to approve the 2020-2024 Fair Housing Analysis Update. Mr. Barlow and Ms. Engeman seconded the motion which passed unanimously.

Draft Zoning Text Amendment: Cat Cafes in the Urban Village Zoning District

Mr. Fontaine said the Planning Department received a request for a zoning text amendment from Sharon Myers, who wished to operate a cat café in a commercial property located at 616 West College Avenue in the Urban Village (UV) zoning district. The property was owned by Westside Village I, LLC and would be tentatively leased by Ms. Myers for the cat café operation. The applicant had indicated that the business would be a typical café where food and beverages were served, but in addition, fully vetted adoptable cats would be present in the café to socialize and interact with customers. The café would not be directly affiliated with an animal rescue operation, but café staff would work with such agencies to facilitate the adoption of cats by interested patrons while on the premises. The applicant had indicated the nature of the business may require the overnight boarding of cats, which was not currently permitted in the UV zoning district. Therefore, a zoning text amendment had been proposed.

Mr. LeClear said the Planning Commission reviewed the proposal at its September 19 and October 2, 2019 meetings, and provided staff with comments. Included with the agenda packet was a letter of explanation, a draft ordinance, a memo from the Borough's Health Inspector, and email correspondence from a local veterinarian.

Mr. Fontaine said Council was being asked to review and discuss the proposal and the draft ordinance amending the zoning regulations. If Council wished to advance the ordinance, it could set a public hearing date and staff would proceed with required legal notice. The draft ordinance would be provided to the Centre County Planning & Community Development Office and placed on an upcoming Centre Regional Planning Commission agenda as an opportunity for comment prior to the hearing.

Mr. Fontaine pointed out that the procedural steps did not signify support or opposition.

Mr. Murphy made a motion requesting staff schedule a public hearing on December 2, 2019 and give notice of the proposed amendment to the planning agencies. Mr. Barlow seconded the motion.

Mr. Myers commented that he had been asked if the applicant was related to him since they had the same last name. He said Ms. Myers was his niece. He said he had informed the Borough Manager and the Borough Solicitor and had asked if he should recuse himself. Mr. Williams said since he had no vested interest in the building and/or the café, and neither did his wife or his children, he had the obligation to participate and vote on the matter.

Ms. Lafer said this was called spot zoning. She said the Planning staff and various ABC's were in the process of fixing up the messed-up zoning. She commented it was not appropriate to change the zoning for just one building. She said she had remembered a case where someone was asking permission to board animals as need be and there was an incredible fight just so someone could board a single dog at someone's house as needed and that request had been denied. She added that spot zoning was always a bad idea. She said she would not be voting in favor of this amendment.

Mr. LeClear said the Planning Commission had discussed that topic. Such uses are permitted in the commercial district downtown. The Urban Village District (UVD) had a reverse logic and the use could be permitted but it was not automatic. He said other properties in the UVD could take advantage of the concept.

Ms. Lafer said this was another step in the zoning rewrite that needed to be addressed.

Ms. Dauler said she appreciated Ms. Lafer's concern. She said she also appreciated Mr. LeClear's clarification as well. She thought it was worthwhile to schedule and hold a public hearing because Council could learn a lot when they hear from the public about this.

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

Revision to 2019 Schedule of Fees

Mr. Fontaine said in order to best prepare for the impact of redevelopment on the Calder Way Sanitary Sewer Basin, Borough Engineering staff had worked with a consulting team to develop a dynamic use and capacity model. The Borough now required applicants submitting land development plans and zoning permits within the Calder Way system to undertake modeling to evaluate potential impacts to capacity of the line. This will be determined based on the number of additional EDUs proposed and where the flow was being added to the system. Therefore, all proposed sanitary sewer flows would be modeled by the Borough's consultant, Gannett Fleming. The proposed resolution created an escrow amount of \$500 for the initial evaluation which was estimated to take 2 hours and would be billed at the current GF rate for Project Engineer III or lower. If the initial evaluation results in justification for additional, advanced study, then the developer shall submit additional escrow of \$1,000.

Mr. Fontaine added that additionally, Planning staff had recommended revisions to the amounts of escrow required for transportation impact studies and stormwater analysis. And, for a revision to the fees for Zoning Hearing Board appeals of the Zoning Officer's determination.

Ms. Dauler made a motion to approve a resolution revising escrow amounts and fees for the 2019 Fee Schedule. Ms. Engeman second the motion, which passed unanimously.

Public Works

Request for a Waiver of the Noise Ordinance for The Standard Construction

Mr. Fontaine said PJ Dick was requesting 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 Standard located at 330 West College Avenue for a maximum of twenty dates between approximately November 22, 2019 and April 24, 2020 per the preliminary pour schedule. The proposed schedule attempted to keep the early morning activity on Fridays and was to enable them to make the larger concrete pours required for the building's construction. A communications plan had been submitted with a map detailing who would be contacted the minimum three business days in advance of the early morning pours and showed which properties were residential in nature.

Mr. Fontaine explained that the communications plan outlined who would be provided advanced notice and how the notice would be communicated to ensure neighboring property owners, their residents and the Borough were all aware of the early work at least three days in advance. The notice provided shall include the intent, start time and duration of the work as well as the contractor's contact phone number and email for concerns and/or questions.

Ms. Lafer made a motion to approve the noise waiver request. Ms. Engeman seconded the motion.

Mr. Barlow questioned the December 20 date because that was during the last days of finals. He asked if it were possible to move that date.

Jeremy Meadway from PJ Dick said the schedule included with the agenda was their preliminary schedule and he said he was aware of the Borough's blackout dates.

Mr. Murphy said he was very interested in the traffic pattern by the cement trucks. He asked if it was the same as the traffic pattern into the site off West College Avenue. He asked where the trucks were originating from and where they would be returning to. Mr. Murphy made a motion to amend the original motion to delay the start time of the pours until 3 a.m., which was after the bars closed. Ms. Lafer seconded the amendment.

Eric Paulley, 300 West College Avenue, said he lived in an apartment right next to the construction site. He noted that graduate students had limited time to sleep. He said when looking at the proposed pour dates, the ambient temperatures were much colder. He said if the concrete pours were temperature sensitive and affected the structural integrity, he asked why the pours had to occur at night. Why did the pours have to occur during the overnight hours and not during the day when the temperatures rise? He said the contractor had started many dates before the required 7 a.m. start. Often, he said he heard the contractor starting as early as 6:15 a.m.

Kristen Dzvonyicsak, representing PMI, a property management company, said she managed a complex next door to this site and in the past, she had received several emails from residents because the contractor was starting before the mandated 7 a.m. start time. She said the property she managed attracted mostly graduate students who had raised a lot of concerns. She said as a result of the construction, she had lost two residents in November due to the vibration and noise because they were unable to concentrate on their studies.

Pat Vernon, a College Township resident, said he was there representing concerns of people who live in the University Club. He explained that the people who resided there were international graduate students. He said he had heard similar complaints from his tenants. He said when the contractor is digging underground, everything at the University Club shakes. He asked that the contractor please be considerate to his neighbors.

Mr. Meadway said the activities that had previously occurred had not been performed by PJ Dick. That work was done by a rock excavating company who was hammering into the stone.

Mr. Brown asked if the destruction of the James Building overlapped with the construction of this building. Mr. Fontaine said there would be an overlap and he anticipated they would also be submitting a request in the future for overnight pours.

Ms. Hoag said the James Building demolition could be done as soon as Thanksgiving.

The amendment passed 5-2 with Mr. Brown and Ms. Engeman voting against the amendment. The motion to approve the amended motion passed unanimously.

Traffic Pattern Changes to South Burrowes Street, New Alley and Miller Alley during construction of the Pennsylvania State University Center for Innovation, Making and Learning (James Building) at 121-123 South Burrowes Street

Mr. Fontaine said the developers for the project bounded by South Burrowes Street, New Alley and Miller Alley were requesting to alter traffic patterns on various roadways and sidewalks during the project construction. These changes include the following:

1. South Burrowes Street – Closure of the sidewalk in front of the building occupied by 121-123 South Burrowes Street. Pedestrian traffic would be maintained but diverted into the shoulder of South Burrowes Street in the area for the duration of the project. Institution of a lane width restriction along South Burrowes Street in the area of the project. A concrete jersey barrier would be installed to provide a 5' minimum wide protected sidewalk along the northbound shoulder for pedestrians. Two 11' wide traffic lanes would remain.
2. New Alley – Closure of New Alley throughout the duration of construction to facilitate the installation of temporary sheeting and shoring for foundation construction.

3. Miller Alley – Encroachment of the construction site perimeter fence 4' into Miller Alley throughout the duration of construction, with intermittent short-term closures of Miller Alley as required for construction activities. A 16' wide traffic lane would remain.

Mr. Fountaine explained that staff had reviewed the traffic pattern change request and had determined no major issues with the request. An agreement with the developer would include consideration for the use of public right-of-way during the closure.

Council was required to approve the traffic pattern changes on South Burrowes Street, New Alley and Miller Alley. PennDOT approval was not required.

Mr. Myers made a motion to approve staff recommendation which was to approve the changes in the traffic patterns and lane restrictions as described for a period not to exceed 24 months and authorize the Manager to execute an agreement with the owner for these traffic pattern changes and consideration for the use of the rights-of-way. Mr. Barlow seconded the motion which passed unanimously in favor.

Official Reports and Correspondence

Mayor's Report – Mayor Hahn reminded Council that he was running for the Magistrate District Judge and urged the Manager to schedule time on an upcoming agenda to discuss the interim Mayor process.

President's Report – Mr. Myers outlined the process for Council's selection and pointed out that Council had 45 days to appoint a qualified person. The process he was proposing was for interested people to submit a letter of interest and qualifications and explaining why he/she would like to serve as Mayor.

Ms. Dauler said it was a good outline for Council to follow. She noted that she appreciated Mr. Myers and staff's efforts and for bringing clarity to the process.

Mr. Myers said Council had met in an Executive Session prior to this meeting to discuss Personnel, Legal Matters and Litigation.

Manager/Staff Reports - Mr. Fountaine said Finance Director Dwight Miller was present to answer any questions Council members had about the Year-to-Date Financial Report.

Student Representative Report – Ms. Miller said September 23 and September 27 was UPUA Votes Week. She urged all students to get and/or staff politically engaged. She added that this week was UPUA's Financial Resources Education Week.

There being no additional business to discuss, the meeting adjourned at 9:03 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary