

**Meeting Minutes**  
**State College Borough Council**  
**Special Meeting/Work Session**  
**Monday, May 13, 2019**

The State College Borough Council met in a special meeting/work session on Monday, May 13, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Hahn called the meeting to order at 11:32 a.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:** Thomas J. Fountaine, II, Borough Manager; Edward LeClear, Planning Director; Genviereve Miller, UPUA Student Representative; Dwight Miller, Finance Director; P. Rick Ward, Parking Manager; Douglas Shontz, Communications Specialist; Deborah A. S. Hoag, Public Works Director; John A. Gardner, Chief of Police; Sharon Ergler, Assistant Borough Secretary; Jenna Wargo, Planner; Greg Garthe, Planner; Anne Messner, Planner; Craig Bowser, Chief Technology Officer; Amy Kerner, Borough Engineer; Jasmine Fields, AmeriCorps Volunteer; Alan Sam, Borough Arborist; and Borough residents and members of the media.

**Planning and Zoning**

Enact Zoning Ordinance Lighting Text Amendment continued from May 6, 2019 Meeting

Mr. Fountaine said a public hearing was held by Council on May 6, 2019 regarding the State College Area School District (SCASD) request to change the Zoning Ordinance lighting provisions. The applicant's request was for athletic field lighting to be permitted at a taller height in the R3B Zoning District (Residential 3B) in order to illuminate the high school outdoor South Track located 650 Westerly Parkway. He said Council received the request at their November 19, 2019 meeting then referred it to the Planning Commission (PC). He stated the PC recommended Council adopt the amendment at their March 13, 2019 meeting. He said staff recommended Council vote to adopt the Zoning Ordinance text amendment with the required roll call vote.

Ms. Engeman said that Council should not do anything until an agreement was in place.

Mr. Murphy made a motion to adopt the Zoning Ordinance Text Amendment as currently presented. Mr. Barlow seconded the motion.

Mr. Myers discussed several points of information that he wanted Council to be aware of. He said lighting was permitted on the South Track field but not at the requested height, and thus the argument about lighting causing an issue was somehow moot because light was already permitted. He said given the new technology, the lighting height of 70-feet versus 40-feet would focus lighting on only the field. He stated there were two main issues regarding the use of different fields. He said the people who live in the neighborhood and surrounding neighborhoods of the South Field probably thought with the reconstruction of the SCASD high school, there would be additional events in the area. He pointed out the neighborhoods nearby voted overwhelmingly in support of the referendum. He said that some people who lived in the area probably did not think there would be a dramatic impact and voiced concerns about how late activities would take place on those fields and having high school football games on that field. He asked Mr. Fountaine if Council could put stipulations that specifically called out things that were permitted. Mr. Fountaine answered yes, but if Council changed the Ordinance in any way, it must be

referred back to the planning agencies with a minimum deferment of 30 days before voting on it again with the added amendments. Mr. Myers asked if Council would have an opportunity to vote on the Operations Agreement, since the PC had made recommendations on what should be included, such as the limitations on hours of operation, use of the facility, etc. He asked if Council could make recommendations like the PC did earlier. Mr. Fontaine said yes, for the agreement, in a separate action.

Mr. Brown stated he did not conflate the issue of the agreement and the lights, noise and traffic. He said the arguments asserting the lights did not cause a lighting or glare problem were interesting, but said the neighborhood countered that it was untrue that there were problems with the lights. He said everyone had a dog in the fight depending on the outcome. He said he would not vote in favor of this unless there was an opportunity to constrain the usage of lights and noises until 9 p.m. at the latest.

Mr. Fontaine confirmed that Mr. Brown meant the usage of the facility by outside organizations until 10 p.m. at night. However, the primary request was for the SCASD to utilize the South Track Field at night and they could limit to the SCASD for the school district only. He stated this was one of the proposed recommendations from the PC as one of the basic provisions in the agreement.

Mr. LeClear stated the structure of the agreement dictated the parties involved as it related only to the SCASD South Track Field. He said it listed the different Pennsylvania Interscholastic Athletic Association (PIAA) sports accommodated in the fall and spring and the marching band using the Field twice a week to end by 9 p.m. with the lights turned off no later than 9:30 p.m. unless competitive events went into overtime. He said the SCASD did have maintenance available to turn off the lights if the competitive events went into overtime immediately after the game was over. He said non-competitive sporting events or practices would end no later than 9 p.m. with the lights turning off by 9:30 p.m. He said the high school marching band limited their practices to end no later than 9 p.m. with occasional makeup practices. He said the recommendations for the agreement included a discussion about sound amplification in which the use of PAs would be directed away from the neighborhood. Additionally, there was the usage of the field by outside organizations, which the PC discussed at length, but they did not produce a recommendation at that time. He said the PC recommended Council provide some protocol for outside organizations' use of the field. He said the final recommendation included reviewing the final agreement after one year and then after the first year, it would be reviewed after two years or Council could terminate the agreement if it was not revised.

Mr. Barlow stated it sounded as though the timing issues would be worked out in the agreement. He noted the taller lights provided less light trespassing off the field, and he said he would vote in favor of the ordinance.

Ms. Engeman felt concerned Council and Borough was putting the cart before the horse and wanted to put the agreement in place before deciding on the lights.

Mr. Murphy said he appreciated the week to further refine his understanding on the issue and stated he support the amendment to allow the lighting. He highlighted two reasons. First, he was in his high school's marching band and it was a transformative experience because it pushed him to go to college for music education and become a high school band director. Second, he said he had considerable event management experience which informed his view of the best location for next football season because of the infrastructure available to manage crowds and increase safety. He said he paid considerable attention to the operations agreement, especially addressing the issue of parking around Edgewood Circle. He noted that he was in support of the Zoning Ordinance Text Amendment.

Ms. Dauler asked Mr. LeClear to examine the section in the recommendations about outside groups. She said Exhibit B in the draft agreement stated the outside organizations would be able to utilize the Field on a limited basis. Mr. LeClear said Council would need to put protocol in place. Ms. Dauler stated that even people who were in favor of the lighting, they did feel concerned about the usage of the field for outside groups. She said that restricting the usage of the field for one year before reviewing the agreement again was a good idea. She said it was instructive to hear and read from other people living in the neighborhood. She said she would go through with using the South Track while Memorial Field was

renovated. She said it was important for Council to vote on the zoning amendment. She said one of the messages she heard loud and clear was about the strong support for the band and a better location for them to practice. She said Council should not hold up the vote for the amendment and Council could discuss further in the future.

Ms. Lafer commented about how Council spoke about height and angle of the lights, but nobody mentioned the brightness of the lights. She asked about the brightness of the lights and how all the excess light was absorbed into the land. She said the new 70-foot lights was excessive in the neighborhood. She said the Borough needed one place for the football team outside of Memorial Field for exactly one year. She said the 70-foot lights would stay for generation. She said she agreed with every stipulation that Council discussed. She felt uncomfortable that the issue of outside groups using the field was punted to Council's decision and she disliked the fact that the usage of school property was dependent on Council's decision every year or two. She said it was unfair to everyone because it was only possible to put people on one field. She said it would be loud and disruptive. She said she would vote for the most restrictions and most oversight possible. She said she would vote against this entirely because it was expensive and unnecessary.

Mr. Myers asked if there were any operations agreement to operate the 40-foot lights with events at the South Track with time restrictions. Mr. Fontaine stated it was 25-foot lights permitted in the current code, which could be installed with no agreement required, and it was the same for the North Field. The only provision requiring an operations agreement was for the requested amendment. Mr. Myers asked if current code allowed events to run until later in the night without restrictions. Mr. Fontaine said the only restriction was the noise ordinance beyond hours but if the lights were on and not in violation of the noise ordinance, the lights could potentially stay on all the time. Mr. Myers clarified if by voting for the ordinance then it gave Council more control and then asked if Council could reach an ordinance agreement without passing the Text Amendment. Mr. Fontaine said the PC recommended the amendment for the agreement and the parameters for the agreement itself with the finalized agreement following. He said that, by law, the amendment must not be done before the Zoning Ordinance. Mr. Myers stated that the amendment needed to move forward, and Council could make recommendations for the agreements after voting on the amendment. He said he would vote in favor of the amendment.

Ms. Dauler asked Mr. Fontaine about the concerns people felt with additional parking on the streets and the safety of children, and if there was something about restricting parking the addressing the concerns on the streets. Mr. Fontaine stated parking was already exacerbated and the Borough was working through the issues. He said that once the high school construction completed then the Borough would address the parking issues in the neighborhood for events on the South and North Fields.

Ms. Engeman confirmed that voting on the agreement prior to passing the text amendment would have overtones of illegal contract zoning. Mr. Fontaine said yes. Ms. Engeman confirmed that the lights would not operate until the finalization of the operations agreement. Mr. Fontaine stated yes, that was correct.

Mayor Hahn asked if there would be another discussion scheduled for a work session. Mr. Fontaine stated there would be either a work session or a regular meeting within the next 45 to 60 days. Mayor Hahn asked if the timetable for the agreement was by August or the beginning of school. Mr. Fontaine said yes, sometime in August, but it was preferable for the agreement to be in place in July.

Derek Canova, a resident of 709 Edgewood Circle, thanked Council for taking more time to look at all the available information and work out a solution for everybody involved. He acknowledged that currently only 25-foot lights were permitted, which were also insufficient and expensive. He noted that the 70-foot lights were only for holding sporting events in the evening, so without them, it would cut down on the number of activities on the South Field. He said that people loiter and hang out after the end of sporting events even if the lights were supposed to turn off at 9 p.m., in which it would become a safety issue. He said the SCASD did not define the hardships they would endure without the lights except for the band, which had practiced in the parking lot for years. He said he loved to see better facilities for everyone because his son played in the school band and played soccer for CSA. He noted that Centre Region Parks and Recreation (CRPR) was designed to facilitate the needs of sports-related activities not related to the

school, and they did create more fields to accommodate more outside groups. He suggested several parks that would work better for outside groups like Circleville Park, West Whitehall Park and Hess Field. He urged Council to consider the hardship of the people living near the South Track Field.

Denise Cameron, a resident of 201 Anaconda Drive in Pennsylvania Furnace, spoke on behalf of the athletes and the band. She stated the programs were large with diverse student backgrounds. She mentioned that her son played on the football team. She said many student athletes would practice for two hours then go home to hit the books and try to maintain a 4.0 GPA or better. She said many students were required to complete community service and were an integral part of the community. She said the programs were their social outlet and part of their emotional well-being. She said that by adding extra field space, the SCASD would be able to move students along through their practices, so they were able to spend more time at home. She asked Council to consider that the SCASD was growing with over 600 athletes whom all require spaces for practice and games. She mentioned the four to five home games for the football season on the South Track Field, but then the students wanted to return to Memorial Field after that. She said the band could not practice in the parking lot anymore and it was a hardship for them. She encouraged Council to work together and consider the needs of the students.

Amber Concepcion, the SCASD Board President and Patton Township resident, said the Board was committed to keeping the high school at this location. She said the SCASD Board wanted to improve the experiences that students had in the school district. She said moving the marching band out of the parking lot was critical. She said the SCASD Board was committed to making an agreement on the timing and uses of the field. She acknowledged the residents' concerns about the property values and stated the school district invested an incredible amount of resources, totaling to \$196 million, into facilities into the Borough and the into that neighborhood. She said the SCASD invested that much to maintain the footprint at the high school and at Corl Street Elementary and to maintain a healthy Downtown and core of the community. She said there were 70-foot lights at Welch Pool within proximity of the same neighborhoods and they stayed on well beyond 9 p.m. for several months of the year because of swim meets and events. She said the SCASD was interested in working with Council to make a reasonable operational agreement.

Edward Reutzel, a resident of 1323 Chestnut Ridge Drive, said he felt worried about where his son lived and the impact it would have. He said that the issue was a classic management paradigm called escalation of commitment. He said that as the objective approached, the issue escalated. He cited the Challenge Space Shuttle tragedy as an example. He said the Borough faced a similar situation because the SCASD requested lights on the South Track Field and he did not believe it was necessary. He said the North Field satisfied all events and renovated to accommodate the football for between \$50,000 and \$100,000. He said the lights were \$500,000 and urged Council to think carefully about the impact of the decision.

Bob O'Donnell, the Superintendent of the SCASD, stated that looking long-term beyond next year, the 19-20 school year would be unique because Memorial Field would become inaccessible. He said the SCASD would need a later light turn off time for the five football games held on the South Track Field. He stated most nights were for practices, which were the second shift for the Field, with the 9 p.m. hard shutoff time. He said the football games were twelve-minute quarters and were not three-hour games. He said moving the band to the north parking would congest both campus indoor and outdoor events. He stated the Delta Program was moving onsite into the new north building. He said there were many fall events that required fields and space for parking. He said the lights would automatically shut off at 9 p.m. with a 9:15 p.m. shutoff caveat for the marching band to allow them time to move equipment off the field.

Ted Reutzel, a resident of 702 Edgewood Circle, said his family was most directly affected. He showed two pictures of what his backyard at night currently looked like and a composite of what it would look like with the 70-foot lights. He suggested having the band practice on the field to test the loudness of the noise. He said the residents in the apartments along Waupelani Drive were impacted too. He said the North Field already had lights. He asked Council to reconsider the North Field for a year for the marching band and for football games. He said the Ordinance should include more restrictions.

The motion passed 4-3 in a roll call vote with Ms. Engeman, Mr. Brown, and Ms. Lafer voting against the motion.

Mayor Hahn noted there was a work session in the future to discuss and vote on the agreement.

### **Items of Information from Council Members**

Mr. Murphy reminded everyone about the Special Meeting scheduled for that evening at 5 p.m. to receive comments from the public about the officer-involved shooting and subsequent report and discuss Council's next steps.

Mr. Myers added that if anyone had any questions then Council was prepared to answer to them. He said some questions were already answered and additional information was available on the group that the Borough was working with to address race and mental health.

Ms. Lafer noted that it was Women's Health Week and for all women to consider their health. She encouraged women to get help if necessary.

### **Public Hour – Hearing of Citizens**

There were no speakers who wished to address Council with any items not on the agenda.

### **Mayor Hahn recessed the Special Meeting to a Work Session at 12:32 p.m. to discuss the Borough's Sustainability Plan.**

Mr. Myers called the Work Session to order at 12:35 p.m., noting that this was the first of two Work Sessions scheduled for the day.

### **State College Borough's Sustainability Plan**

Mr. Fountaine reminded Council that they adopted Resolution 944 in 2007, which declared State College as a "Climate Protection Community" and included sixteen municipal-based goals and five community goals consistent with climate change mitigation strategies. In 2018, the Sustainability Committee developed the Borough Sustainability Plan, which provided new goals and objectives designed to reduce greenhouse gas emissions. He stated Alan Sam, the Borough's Sustainability Coordinator, would provide an overview of the achievements and goal in addition to related topics like plastic bag reduction and the stormwater permit presented by Jasmine Fields, the Borough's AmeriCorps Volunteer.

Mr. Sam stated the Borough found success in meeting the goals of Resolution 944 and had presented Council with the new Sustainability Plan for 2018-2022. He said the Sustainability Committee completed a report in 2013-2014 on Greenhouse Gas Mitigation, which proposed future efforts and provided the framework for the new Sustainability Plan. The Sustainability Plan covered four broad areas of sustainability: economy, environment, society and organization. He stated one of the goals was to reduce greenhouse gas emissions by 10 percent by 2022 as compared to 2007. He noted that waste reduction, transportation, urban tree canopy, stormwater management, energy, public spaces, economic vitality and operations, and environment and planning were all areas that the Sustainability Plan aimed to tackle. He stated the Borough continued to make improvements and remain a leader in sustainability efforts by residents, peers, long-term residents, college students and high school students. He said the Committee was always looking for new ways to accomplish goals and engage the community.

Ms. Dauler enjoyed reading the report and stated it gave an informative assessment of what the Borough accomplished. She said the State College Borough was not the only community at a platinum level by the Pennsylvania Sustainable Communities. She said she was proud because State College was and continued to be a leader in the region. She said other communities were copying the Borough's programs and it was very inspiring to see.

Ms. Engeman noted that several communities banned the use of Round Up. She asked if the Borough considered banning Round Up. Mr. Sam stated the Borough was looking at a policy restricting Round Up and other pesticides. He said there was a maintenance issue of controlling weeds and teaching others to tolerate some weeds.

Mr. Barlow asked about any incentives for new construction to reduce energy costs. Mr. Sam stated the Borough needed to complete more research on any incentives. Mr. LeClear stated the Borough looked at retrofitting and retuning older buildings to become more energy efficient, but it was not something the Borough was able to mandate. Mr. Fontaine stated that Boulder, CO did some things through the building code, and perhaps the Borough would make changes through the Property Maintenance Code in the future.

Ms. Lafer stated it was cheaper and easy to spray weeds in the middle of concrete with homemade vinegar products. She commented that it was difficult to stop the use of plastic and encourage reusable bags. She recommended Council look closely at water and re-look at the Lighting Policy. She asked the SCASD, Penn State, and Borough staff to pull together more information lighting.

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

Mr. Fontaine explained that Mr. Barlow introduced for Council's consideration a resolution to commit the municipality to develop and implement a strategy to achieve net zero greenhouse gas emissions and 100% renewable energy no later than 2050.

Mr. Barlow stated the purpose of the resolution was to set a long-term goal for the Borough to achieve net zero gas emissions. He said it reinforced a commitment of signing onto the Paris Accords. He said there were 120 municipalities and 16 in Pennsylvania already committed including big cities like Los Angeles, CA and small towns like Greensburg, KS. He said the Sierra Club would recognize the Borough's accomplishments by passing the resolution. He said he worked with Mr. Sam, Peter Buckland from Ferguson Township, several community members, fellow Council members and Sierra Club associates. He said the process took him a few months and the resolution acknowledged the problem of climate change on poor communities, communities of color and future generations. He noted an email from one of the former Council members and energy engineer, Sarah Klinetob Lowe, which reinforced why Council needed to approve the resolution.

Mr. Myers stated Council would discuss and comment on the resolution. He noted that Greensburg, KS was a small town that was wiped out by a tornado nearly a decade ago. He said the entire town was rebuilt from a green and low energy perspective.

Ms. Lafer said the resolution was an excellent goal for Council. She said she liked to see Borough attain this and encourage the surrounded communities because everyone's lives would improve. She said she supported the resolution.

Ms. Dauler agreed with Ms. Lafer. She asked Mr. Barlow to read the top five points. Mr. Barlow read the top five points. Ms. Dauler said the Borough was fortunate for the wonderful collaboration with Penn State and their efforts towards sustainability. She said it was a good goal and it was important to concentrate on trying to make it happen.

Mr. Murphy stated he was appreciative and impressed with Mr. Barlow's work on the resolution.

Ms. Engeman agreed it was a wonderful goal. She noted the changes in sustainability were happening so fast. She said she saw clear glass solar panels and an RV with solar panels. She said Council should look ahead at technology coming down the pike.

Mr. Myers stated the resolution would move forward to the June 3, 2019 meeting agenda. Mr. Fontaine noted to Council that the Borough, for several years, acquired 100 percent of its electric energy through renewable energy certificates. He said the Borough was currently installing electric vehicle charging

stations in the garages and the Borough did go beyond the original plan of the Service Building to ensure it was a LEED-certified building.

#### Plastic Bag Reduction Strategy

Mr. Fountaine stated that Ms. Melton presented Council with a petition banning single-use plastic bags. Since that time, staff gathered information from the students in the sustainable community classes at Penn State to determine the use of single-use plastic bags. Mr. Sam said the Borough engaged with Penn State students to evaluate the businesses Downtown. He noted Ferguson Township and the Borough were working together on this as an ongoing project.

Mr. Myers recommended Mr. Sam summarize the information about the issues and present that to Council to a future work session for discussion. Mr. Sam said he could present something within a month.

Mr. Barlow said he had been beating the drum on the plastic bag issues for a while. He said he would continue engaging with Mr. Sam on the issue.

Ms. Dauler asked if this was something that could be done region-wide with COG through the Public Services and Environmental Committee. Mr. Barlow said he was the representative on that committee. He said he spoke to the previous Sustainability Officer for that committee, but he said the discussion would probably wait until someone else was hired. Ms. Dauler said it was a shame to wait until hiring someone else because this needed the support of all elected officials. Mr. Barlow said he was slowly building up support and started targeting other officials. Ms. Dauler suggested it become an agenda item for the committee. Mr. Barlow stated he would speak to other people on the committee.

Mr. Fountaine stated this was an issue that Council wished to consider and move forward either alone, with Ferguson Township or with COG. He said the Borough provided staff support to COG on greenhouse gas emissions in the past. He said the goal was to reconsider the issue in August on a future work session agenda.

#### Stormwater MS4 Permit

Ms. Fields provided a DEP and EPA required meeting update about the Borough's stormwater management plan. She discussed the basics of MS4, the existing permit requirements, the minimum control measures, new permit information and requirements and the Chesapeake Bay Pollutant Reduction Plan (CBPRP). She noted the CBPRP was designed to implement Best Management Practices to produce tangible and effective improvements to the quality of stormwater discharges in the Chesapeake Bay Watershed. The regional CBPRP included a 10 percent reduction in sediment within stormwater. She noted that the public was encouraged to review plans, suggest ideas for education/participation and report illicit dumping/discharge among other things.

There were no comments from Council about Ms. Fields' report.

#### **Adjournment**

There being no further business, the meeting adjourned at 1:33 p.m.

Respectfully submitted,

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Sharon K. Ergler  
Assistant Borough Secretary

Prepared by: Melissa Krug, Administrative Assistant