

**Meeting Minutes**  
**State College Borough Council**  
**Regular Meeting**  
**Monday, June 3, 2019**

The State College Borough Council met on Monday, June 3, 2019 at 7 p.m. in the Municipal Building, 243 South Allen Street, State College, PA 16801 for a Regular Meeting. Mayor Hahn called the meeting to order at 7 p.m. and held a Moment of Silence for the fallen at the shooting in Virginia Beach, VA.

**Present:** Donald M. Hahn, Mayor  
Evan Myers, Council President  
Jesse L. Barlow  
Janet P. Engeman  
Theresa D. Lafer  
Daniel Murphy

**Absent:** Catherine G. Dauler  
David J. Brown

**Also Present:** Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Borough Solicitor; Sharon K. Ergler, Borough Secretary; Thomas R. King, Assistant Borough Manager; Genevieve Miller, Student Representative; Ed LeClear, Planning Director; Douglas Shontz, Communications Specialist; Greg Garthe, Planner; Jenna Wargo, Senior Planner; Craig Bowser, Chief Technology Officer; Tom Brown, Facilities Manager; Alan Sam, Environmental Coordinator; Dwight Miller, Finance Director; media and interested Borough residents.

**Public Hearing**

Substantial Amendment to the Borough of State College Fiscal Year 2019 Annual Action Plan

Mr. Fountaine explained the public was asked to provide comments on a substantial amendment to the Borough of State College FY 2019 Annual Action Plan, which proposed to accomplish the following: 1) revise the FY 2019 CDBG and HOME estimated allocations that were previously approved by Council in November of 2018, with the actual grant amounts communicated to the Borough by HUD in April of 2019; 2) reprogram a balance of \$60,004.66 in prior year funding remaining from the completed FY 2018 Infrastructure Project (Streetlight/Curb/Ramp, McAllister/Locust/Heister) to the FY 2019 Infrastructure Project (Streetlight/Curb/Ramp, Sowers/Hetzel/Foster); and 3) amend the goal of the FY 2019 Infrastructure Project to reflect the updated Low and Moderate Income Summary Data received from HUD in 2019. He stated the proposed substantial amendment was published on May 2, 2019 and made available for public review in the Schlow Centre Region Library and in the Planning & Community Development Department in the State College Municipal Building from May 2 through June 3, 2019. The CDBG Citizens' Advisory Committee reviewed the amendment at a public meeting on May 7, 2019 and unanimously recommends Council approval. He said Council was asked to hold a public hearing to take comments on the proposed substantial amendment, prior to acting on the amendment later in the meeting.

Mayor Hahn opened the public hearing for comments from the public. There were no comments, so he closed the public hearing at 7:03 p.m.

**Proclamations**

Immigrant Heritage Month – Mayor Hahn issued a proclamation declaring June as Immigrant Heritage Month. Dr. Shoba Wadhia, Director of the Center for Immigrants' Rights Clinic, accepted the proclamation.

Dr. Wadhia stated she felt honored to accept the proclamation. She explained that since June 2014, Immigrant Heritage Month had given people an opportunity to explore their own heritage. She said her

own story began with her father who came to the United States from India to pursue his medical residency and her mother came as the spouse of a green card holder. She stated the Center for Immigrants' Rights Clinic was a nationally recognized clinic focused on immigration law through three legal pillars for law students. She said 2018 marked the 10-year anniversary. She said national immigration policy changes affected people from around the country and in State College. She discussed how the travel ban, the asylum bans and DACA (Deferred Action for Childhood Arrivals) were tests against the rule of law and humanity.

Mr. Myers supported what Dr. Wadhia said about the United States being a nation of immigrants. He said it was important to take a strong stand in support of immigrants.

Mr. Barlow noted a personal experience when he was in New Mexico a week ago. He said he did a volunteer activity at a reception center for immigrants from Central America. He said the people at the center were dropped at a bus station and hauled up to Albuquerque, NM to a facility run by Catholic Charities. He said their personal belongings were taken away and people were escorted by Immigration Control Enforcement (ICE) agents with guns. He said the facility provided them with food, medical care, and a day's worth of clothing. He said he could not help but be appalled by it.

Mayor Hahn discussed his Korean-born parents as subjects of the Japanese Empire in occupied Korea during WWII. He said his father was in the American-occupied south and his mother was in the communist-occupied north. Afterwards, his mother and her sister became war refugees following the Korean War at fifteen-years-old. His dad pursued a PhD at Stanford and his mother went to community college in San Mateo before they met and got married in California. He said his dad was hired as a professor at Penn State. He said his parents came to seek a freer, more prosperous life. He said he was the proud son of Korean immigrants and proud American citizen who welcomed the contributions of well-meaning immigrants.

Nittany Knights Day/55<sup>th</sup> Anniversary – Mayor Hahn issued a proclamation to the members of the Nittany Knights declaring June 17, 2019 as Nittany Knights Day. He noted the Nittany Knights had performed for events such as Summer's Best Music Events, Boalsburg Memorial Day Celebration and 4<sup>th</sup> Fest among others.

Paul Wagner, the Vice President of Music and Performance and Assistant Director, accepted the proclamation on behalf of the Nittany Knights. The group sang a song for Council and the audience. He said the Nittany Knights had a robust youth program and did an annual show every year at the State Theatre..

Men's Health Month – Mayor Hahn issued a proclamation declaring June as Men's Health Month. There was no one in the audience to accept the proclamation. Mayor Hahn encouraged all residents to increase their awareness, live a healthy lifestyle and get regular medical checkups.

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

Pat Vernon, a College Township resident, said he had a few questions and comments. He asked if the Borough had Enterprise or Keystone Zoning areas that used numbers and locations of student residents in order to qualify for those. Then he asked about the seven requests to close streets for student move-in days. He asked if other people could close their streets. He asked if people inspected those areas to see if they were carried out properly. His last item was about inspection enforcement regarding streets torn up for utility work. He said the same company would tear up a brand-new street and after a few days, they repaired it to a lower quality.

Regarding the first question, Mr. Fontaine said there were Keystone Opportunity Zones in Centre County that relied on census tracked data. Mr. LeClear noted the Keystone Opportunity Zones went through the state and included the industrial park in Philipsburg and Benner Township. He said the Borough had never had one but was working with the Redevelopment Authority on a Keystone Community Application, which was a different thing and could provide some priority access to state grants. He did not believe that it depended on student information.

For the second question, Mr. Fontaine stated if the Borough did not provide street closures during student move-in, it was more far more inconvenient for residents and taxpayers. He said the Borough worked with the Downtown area with landlord groups to provide special accommodations. He said if Mr. Vernon knew specific areas he wished to explore, then the State College Police Department (SCPD) would be happy to speak with him about it. He noted the Borough did not tow vehicles unless they blocked a driveway, fire hydrant or an intersection.

Lastly, Mr. Fontaine stated the Borough required bonding for the utility cut issue. He said if Mr. Vernon had specific locations, the Borough would examine them. He noted that the only one he was aware of was the Pennsylvania Department of Transportation's (PennDOT) right-of-way, which the Borough did not regulate.

Mr. Myers noted the item with the one closure that was several weeks long attributed to move-in. He stated item C had nothing to do with move-in. Mr. Fontaine clarified it was a student move-in period which phased in multiple properties in proximity where there were closures to accommodate the students moving in.

Ms. Lafer stated it was an extremely intelligent way of dealing with student move-in because that area of town become gridlocked for that many days. She said she hoped it worked.

Mr. Fontaine added the closure was a one-way traffic pattern on Calder Way.

Ted Reutzler, a resident of 702 Edgewood Circle, noted the Council voted on lights around the South Track Field. He said multiple local neighbors expressed concerns about the handling of the operations agreement. He said he had sent a letter expressing his interest in becoming involved in the discussion. He asked if the discussion was ongoing.

Mr. Williams said the first draft of the agreement currently sat on his desk for rewrites. He said he hoped to circulate a draft for everyone to look at. Mr. Fontaine added that once the draft was available for circulation, he said there would be an opportunity for input. He said there was a considerable amount of time before the agreement was recommended for approval.

### **Consent Items**

Mr. Barlow asked if Item O was added recently. Mr. Fontaine stated it was on the published agenda. Mr. Barlow stated his agenda stopped at Item N. Mr. Fontaine clarified the description of the item.

Mr. Myers motioned to remove Item B.

Mr. Murphy noted that Item H was split in half and Item I was associated with Item H.

Ms. Lafer motioned to approve the Consent Items. Mr. Murphy seconded the motion. The motion passed unanimously.

Mr. Myers stated he wanted to highlight the Central PA Theatre and Dance Festival. He said the event was a Centre Region fixture because it brought more folks into town and there were many entertainment options.

Mr. Myers motioned to approve Item B. Mr. Barlow seconded the motion. The motion passed unanimously.

- Approve the partial closure of Westview Avenue (between house numbers 520 and 538) on Sunday, June 9, 2019, from 2:30 p.m. to 8 p.m., for a neighborhood Graduation Party.

- Approve, with conditions, the closure of the 100 block of South Allen Street, as well as the use of several conference rooms in the Municipal Building, from Friday, June 21, through Sunday, June 23, from 8 a.m. to 10 p.m., and the partial closure of the 200 block of South Allen Street (between Beaver Avenue and Highland Alley), on Saturday June 22, from 9 a.m. to 4 p.m., for the Central PA Theatre and Dance Fest.
- Approve the temporary traffic pattern on East Calder Way to be one-way (eastbound) between Hetzel and High Streets and (westbound) between Hetzel and South Garner Streets, starting on Monday, August 12, through Sunday, August 25, 2019 for student move-in.
- Approve, with conditions, the partial left lane closure of the 400 block of West College Avenue, on Thursday, August 15, and Friday, August 16, 2019, from 8 a.m. to 5 p.m., for The Metropolitan's residential move-in.
- Approve, with conditions, the partial right lane closure of the 600 block of East College Avenue and High Street (between Wilson Alley and East College Avenue), starting on Thursday, August 22, through Saturday, August 24, 2019, from 8 a.m. to 5 p.m., for The Meridian's student move-in.
- Approve, with conditions, the temporary traffic change pattern on H Alley to one-way, from West Calder Way to West Beaver Avenue, to allow for student move-in to The Graduate, on Saturday, August 24, 2019, from 7 a.m. to 5 p.m.
- Approve the temporary traffic change pattern on Hetzel Street (between East Beaver Avenue and East Calder Way) and on East Calder Way (from Hetzel to Sowers Streets), to allow for The Legacy student move-in, on Tuesday, August 13, 2019, from 8 a.m. to 7 p.m.
- Approve, with conditions, the closing of Miller Alley, between New Alley and West Beaver Avenue, as well as a waiver for roof top occupancy, for the Over the Edge rappelling event, on Wednesday, October 16, and Thursday, October 17, 2019, from 7 a.m. to 7 p.m., for the FaithCentre and Interfaith Human Services fundraising event.
- Approve the use of the Community Room in the Municipal Building on December 7, 8, 14, and 15, 2019, for Santa's Workshop, which is part of the annual Downtown State College Improvement District's and Schlow Centre Region Library's Polar Express Event.
- Approve the closure of East Foster Avenue, between Fraternity Row and Sidney Friedman Park, and the use of Sidney Friedman Park, on Thursday, July 4, 2019, from 9:15 a.m. to 10:15 a.m., for the Centre Region Parks and Recreation's annual Kids on Wheels Parade.
- Approve the use of Sidney Friedman Park on Friday, June 7, 2019, with a rain date of Friday, June 14, 2019, from 6 p.m. to 11 p.m., for a Community Bike-In Movie Night hosted by Centre Region Parks and Recreation.
- Award Project #3-2019 (Garage Maintenance Project) to Pullman SST, Inc., the low bidder, in the amount of \$47,644.00. [Page 71]
- Approve Payroll and Accounts Payable vouchers for the month of April 2019 totaling \$4,396,668.72.
- Authorize the Officers of the Borough to sign a Franchise Fee Settlement Agreement.

## **Planning and Zoning**

## Substantial Amendment to the Borough of State College Fiscal Year 2019 Annual Action Plan

Mr. Fountaine stated Council was asked to consider approval of the proposed substantial amendment to the FY 2019 Plan Annual Action Plan, which proposed to accomplish the following: 1) revise the FY 2019 CDBG and HOME estimated allocations that were previously approved by Council in November of 2018 with the actual grant amounts communicated to the Borough by HUD in April of 2019, 2) reprogram a balance of \$60,004.66 in prior year funding remaining from the completed FY 2018 Infrastructure Project (Streetlight/Curb Ramp McAllister/Locust/Heister) to the FY 2019 Infrastructure Project (Streetlight/Curb Ramp Sowers/Hetzel/Foster) and 3) amend the goal of the FY 2019 Infrastructure Project to reflect the updated Low and Moderate Income Summary Data received from HUD in 2019. He noted the public hearing on the amendment was held earlier in the meeting. He said the CDBG Citizens' Advisory Committee reviewed the proposed substantial amendment at a public meeting on May 7, 2019 and unanimously recommended Council approval. The proposal was properly advertised, and a mandatory comment period passed to receive public comment on the amendments. He said staff recommended Council consider approval of the proposed substantial amendment, pending consideration of public comments received.

Ms. Lafer motioned to approve the amendment. Ms. Engeman seconded the motion.

Mr. Murphy noted that he was disappointed that the Borough did not fulfill with the public services amendment and limited the services to no more than 15 percent. He said it was the reason Council was unable to fulfill their previous commitment to those organizations.

Ms. Lafer stated there was clearly a decrease in the HOME and CDBG funds. She asked how large the decrease was and if there would be a similar problem with this year's budget. Mr. LeClear responded there was a 6 percent decrease in CDBG funding but there was a consistent trend of steady reductions in those programs. He noted the HOME program had a substantial increase last year and did not expect to see that program stay at that level. He said staff saw a 39 percent reduction, but that staff worked closely with their partners to realize what could happen.

Mr. Vernon asked about the HOME program and what it was about. Mr. LeClear clarified that the HOME program began in the 1990's. HOME was a program in the U.S. Department of Housing and Urban Development (HUD). He noted the Borough received directly from HUD as a participating jurisdiction. He said most municipalities in Pennsylvania received their allocations from the state. He said the funds were used to support two nonprofits – the State College Community Land Trust and the Temporary Housing Foundation. He added the funds were used for first-time homebuyers to help lower and moderate-income individuals to purchase homes in addition to acquisition of those properties. He said the Borough had participated in the program since founded in the 1990's. Mr. Vernon clarified that it was all federal tax money. Mr. LeClear stated yes, it was passed through from HUD.

The motion passed unanimously.

## State College Town Centre Redevelopment Agreements

Mr. Fountaine stated 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 stated staff and Mr. Williams 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 next steps for both Council and RDA for implementation of the redevelopment area plan include conveyance of the Borough owned parcels within the Redevelopment Area to the Redevelopment Authority. He added that once the parcels were conveyed to the RDA, the RDA would then enter into a Development Agreement with Highland Holding Group for redevelopment. He said Council was asked to review the documents and provide comments either during this meeting or in writing to the Manager by the close of business on June 7, 2019. Council would have an opportunity to review comments and continue discussion at the June 10, 2019 work session. He said final action on the agreement was

scheduled for the June 17 Council meeting. He noted that no action was needed by Council at this meeting.

Mr. Williams said the State College Town Centre project was almost 6 years old. He said Council previously approved the plan and what was delivered before for Council's consideration were the core agreements at this point. He added that the first agreement was the restrictive covenant for the property owned by the Borough. He said it was like the one provided for Fraser Centre and prevented the property from utilization for student housing. He said Council's role was to examine the development agreement to determine if it followed and carried into place what was originally agreed upon. He said the rest of the material was for the RDA. He noted there was a property transfer to the RDA of \$980,000 which would then transfer it to the developing entity. He said \$830,000 of that amount was a reimbursement to the State College Parking Fund because a 32-space parking lot was part of the development. If other properties were secured, they would be added to the project and subject to the same covenant. He added there was a repurchase agreement that dictated if the development was not constructed or remained incomplete within four years, the Borough would repurchase the property through the RDA. He noted the pricing was set based on what had occurred onsite. He said Council's concern was to examine the agreement and if the language carried into place what was originally approved.

Mr. Myers stated Council received the agreement shortly before the meeting and there would be two weeks before voting. He recommended other Council members read over the agreement next week, produce questions before then for clarification, and he said Mr. Fontaine and Mr. Williams should be prepared to discuss next week.

## **Public Works**

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

Mr. Fontaine said that at the May 5, 2019 meeting, Mr. Barlow introduced a resolution for Council's consideration which committed the municipality to develop and implement a strategy to achieve net zero greenhouse gas emissions and 100% renewable energy no later than 2050. He noted Council discussed the resolution at their May 13, 2019 work session and asked that the resolution be placed on the May 20 agenda for adoption. He said if passed in its present form, the municipality would become a Sierra Club "Ready for 100" municipality. He stated staff recommended Council adopt the Climate Change Resolution as presented.

Ms. Lafer motioned to adopt the resolution. Mr. Myers seconded the motion.

Mr. Barlow summarized the resolution. He stated State College joined 120 municipalities in adopting the resolution along with small towns and big cities. He noted some issues as a result of climate change like the increasing average of days over 90 degrees, worsening asthma and allergies, lower yields of crops and the lack of hardwood trees. He said much of the responsibility fell beyond federal and state. He stated other townships had completed work in this area.

Mr. Myers said the Earth was warming up and climate was changing. He said passing the resolution was a small payment on the Earth's insurance policy.

Ms. Lafer said Council needed to stand up and speak up for the community. She said everyone tended to wait for solutions from the top down, but everyone needed to work from the bottom up. She said the resolution would have certain concrete requirements to make a difference.

Dorothy Blair, a resident from Harris Township and President of the Nittany Valley Environment Coalition, said it was brave of Council to pass the resolution. She said there were many people who were naysayers and it would set a timetable to not just wait until the bitter end to rush to 2050. She said the coalition would support Council and would take the issue to other townships.

Chloe Seales, a member of the Pennsylvania Chapter of the Sierra Club, said she was here regarding the Council's vote on the resolution. She stated the proposed resolution would make State College the 17<sup>th</sup> municipality in Pennsylvania and 127<sup>th</sup> nationally to join the "Ready for 100" action.

Nancy Parks, a resident from Aaronsburg and activist for clean air for the past 40 years, told Council that the climate disruption events involved changes to both cold and warm temperatures and wet and dry precipitation. She said she agreed with Ms. Seales and Ms. Blair about bringing down the problems seen in the area.

Mr. Vernon stated the issue needed to move across all of COG and not just the Borough. He mentioned other things like banning plastic straws and single-use bags. He mentioned the rapid melting of the arctic ice. He also said the number of student housing units was a result of bad planning at the COG level.

The motion passed unanimously.

### **Official Reports and Correspondence**

Mayor's Report – Mayor Hahn discussed several items. First, he stated tomorrow, Tuesday, June 4, 2019 marked the beginning of Eid Al-Fitr, the Festival of Breaking the Fast and the end of the Islamic Holy Month of Ramadan. Second, he thanked Mr. Murphy and Mr. Barlow for calling the special meeting on May 13, 2019 about the aftermath of the office-involved shooting. Third, he thanked the AAUW and the United Way for hosting the Trash to Treasure sale. He gave a shout out to Big Al, the Recycling Guy. He said there would be more opportunities to participate at the Central PA Festival for the Arts. Fourth, he thanked the State College staff for hosting the annual International Town and Gown Association Conference. Fifth, he thanked everyone who voted in the primary election on Tuesday, May 28, 2019. Sixth, he thanked the Islamic Society of Central PA for hosting him at an Iftar on Friday, May 31, 2019. Finally, he urged Council to receive updates on the various initiatives at every meeting for the foreseeable future. He said Council and staff needed to start addressing issues, hidden bias, recruitment, foreign language issues during crisis response, police stress and overworking.

President's Report – Mr. Myers agreed with Mayor's Hahn comments. He noted that Council met in an Executive Session prior to this meeting to discuss real estate, legal and litigation matters.

Manager/Staff Reports – Mr. LeClear reported on some recent staffing changes over the last year in the Planning Department. He said the Borough promoted Jenna Wargo from Planner to Senior Planner supporting redevelopment. He said Anne Messer who handled land planning retired as of Friday, May 31, 2019. The Borough filled Anne's position with Greg Garthe, who was with Centre Region Planning for three years and a Planner at Patton Township prior to that. He said the Planning Department was currently advertising for Jenna's previous Planner position.

2020-2024 Capital Improvement Plan (CIP) – Mr. Miller noted Council received 2020-2024 CIP. He said the CIP was a five-year plan to preserve and enhance existing capital assets while maintaining infrastructure, addressing current problems and improving the quality of life or addressing strategic goals. He said the CIP included 38 projects that totaled \$93 million over the next five years. He noted that last year the General Fund contributed \$1.7 million to fund the CIP. He mentioned some questions for consideration by Council like doing a needs assessment, a fiscal capacity analysis and a discussion on needs and resources. He noted there were always more projects than the Borough could afford. He said staff advised Council to adhere to the Balanced Budgeting policy for the General Fund to increase the likelihood of positive net performance. He noted the review schedule for the CIP to Council.

Year-to-Date Financial Report – Mr. Miller said he did not have a formal presentation about the financial report but was able to answer any questions. Nobody had any questions.

Mayor Hahn asked Mr. Fontaine when the questions from the special meeting on May 13, 2019, would become available online. Mr. Fontaine stated that many answers were currently available, but they were still collecting information in response to the questions.

Student Representative Report – Ms. Miller stated there was nothing to report.

**Adjournment**

There being no further business to discuss, the meeting adjourned at 8:23 p.m.

Respectfully submitted,

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Sharon K. Ergler  
Assistant Borough Secretary

Prepared by: Melissa J. Krug, Administrative Assistant