

Meeting Minutes
State College Borough Council
September 6, 2005

The State College Borough Council met in a regular meeting on Tuesday, September 6, 2005, in the State College Municipal Building Council Room, 243 South Allen Street, State College, PA. Mayor Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor
Thomas E. Daubert, President of Council
Catherine G. Dauler
Elizabeth A. Goreham
Craig Humphrey
Jeffrey R. Kern
Richard L. McCarl
James H. Meyer

Also present: Thomas J. Fountaine, Borough Manager; Terry Williams, Borough Solicitor; Carl R. Hess, Community Development/Planning Director; Thomas R. King, Chief of Police; Mark A. Whitfield, Director of Public Works; Amy J. Story, Borough Engineer; Michael S. Groff, Finance Director; Linda S. Welker, Tax Administrator; Cynthia S. Hanscom, Recording Secretary; members of the media; and other interested members of the public.

Mr. Welch began with a moment of silence and the Pledge of Allegiance.

Approval of Minutes. Mr. McCarl asked that a correction be made to the July 18, 2005 minutes, page 357, to indicate that he was abstaining from a motion because he was a YMCA Board member and not just a YMCA member. Ms. Goreham moved and Mr. Kern seconded a motion to approve the July 5, July 11, and July 18 minutes as amended. The motion was unanimously approved.

PUBLIC HOUR

Traffic Safety Concerns in Holmes-Foster Neighborhood. Steven Thorne, 701 West Foster Avenue, said his home is located on the corner of Sparks Street and Foster Avenue. He expressed concern with the speed of traffic on Sparks Street and the safety issues associated with the traffic. Mr. Thorne had a home office where he said he spends a good deal of time. Vehicles traveling on Spark Street travel faster than the posted speed limit. Safety issues occur when vehicles are pulling out onto Sparks Street from Foster Avenue. Mr. Thorn stated the number of reported accident did not meet the criteria of 5 within a one-year period to be considered by PennDOT for a stop sign; however, there were several accidents that were never reported. He knew of three this year as well as numerous screeches and skids on a regular basis. He noted there were many children in the neighborhood, two of which were his own. He believed Sparks Street acted as an arterial for vehicles traveling from Beaver Avenue to Westerly Parkway. To maintain the quality of the neighborhood, measures needed to be taken to slow down the cars on Sparks Street. He suggested the possibility of installing traffic circles to mitigate speed but encourage flow. He provided written comments and asked that Council review them. He concluded that with increasing regularity this will be an issue as the urban center of State College continues to generate traffic by people outside of the area. Council needed to determine if this street through the heart of the oldest neighborhood should continue to be a major thoroughfare. Mr. Thorne introduced Brett Oesterling, his neighbor, who had compiled data on traffic for this intersection.

Ms. Goreham moved to refer the request to the Transportation Commission. Mr. Humphrey seconded the motion, which passed unanimously.

Mr. Thorne asked when the Transportation Commission would be reviewing his request. Chris Falzone, Chair of the Transportation Commission, asked that Mr. Thorne obtain 25 signatures with his request.

Mr. Kern noted that a letter had been received from Elizabeth Manlove, 711 West Foster Avenue, asking that Council address the traffic issues on Sparks Street. A copy of that letter should be sent to the Transportation Commission.

Commendation. Mr. Kern noted that he had a small kitchen fire in his home when no one was at home. The Alpha Fire Company responded within 5 minutes and were highly professional. Without the Alpha Fire Company he would be without a house this week. He commended the company for their outstanding service to the community.

Pedestrian Crossing. Kendra Sharp, 725 West Hamilton Avenue, noted that it was difficult to cross South Atherton Street without going all the way to Westerly Parkway or Beaver Avenue. She asked if something could be done to create a safe crossing for residents in the Holmes-Foster neighborhood. She noted she was recently visiting in Colorado where vehicles stopped for the pedestrians; it was very refreshing.

Mr. Welch said this had been discussed recently. He believed it was suggested that a pedestrian activated light be installed. Mr. Kern noted that PennDOT is car-oriented and their goal is to keep the flow of traffic moving. Mr. Meyer said he had been on Council 8 years and has been trying to have a light installed at Hamilton Avenue; however, warrants have not been met to allow for a traffic signal. Mr. Welch believed this would be an evolving issue. As the School District continues to expand, there may be more of a need for pedestrian crossing in this area.

Budget. Bob Balonis, 525 East McCormick Avenue, said that when the current municipal building was under construction, it was noted that some of the costs would be recouped with the sale of the old municipal building, now being used by the library. He asked if the sale from old municipal building would be put back into the General Fund. Mr. Fontaine said that, although he did not know how much it would be, proceeds would be deposited to the General Fund.

CONSENT ITEMS

Appoint Louie Torres to the Rental Housing Revocation Appeals Board. Mr. Fontaine said Louie Torres has agreed to serve as a member of the Rental Housing Revocation Appeals Board. Mr. Torres will replace Patrick Nowlan, who has graduated from Penn State and left the area. Because no formal resignation has been received, Council should declare the position vacant and then appoint Mr. Torres to complete the term of Mr. Nowlan, ending on December 31, 2005.

Mr. Kern moved to declare the position on the Rental Housing Revocation Appeals Board vacant and appoint Mr. Torres to fill the unexpired term ending December 31, 2005. Ms. Dauler seconded the motion. The motion passed with a 7-0-0 vote.

Farm Sanctuary Walk. Mr. Fontaine said a request was received to conduct the 2005 Farm Sanctuary Walk on Sunday, October 9, 2005 from 1:00 p.m. to 4:00 p.m. The walk will start and end in Sunset Park and will travel through College Heights and the University campus. Proceeds will benefit the Farm Sanctuary.

Mr. Kern moved and Ms. Dauler seconded a motion to approve the use of sidewalks for this event. The motion passed unanimously.

15th Annual Knights of Columbus 5K Race. Mr. Fontaine said a request was received to conduct the 15th Annual Knights of Columbus 5K Race on Sunday, October 9, 2005, from 2:00 p.m. to 3:00 p.m. The race will start and end at the Knights of Columbus Hall on Stratford Drive and travel through the Greentrees neighborhood. The applicant is requesting Stratford Drive and Blue Course be closed for the start of the race. The rest of the event will be conducted on the sidewalks. Proceeds will benefit the Schlow Memorial Library Children's Department and the Tom Kleban Recovery Fund.

Mr. Kern moved to approve the use of streets and sidewalks for this event. Ms. Dauler seconded the motion. The vote on the motion was 7-0-0; the motion passed

Home Town Street Grant. Mr. Fontaine explained, when the Borough received funding from TEA-21 through the Home Town Street/Safe Routes to School program, it was necessary to enter into a reimbursement agreement with PENNDOT. As part of the agreement, PENNDOT requires a resolution indicating that the signatures on the agreement are by persons authorized by Council to sign.

Mr. Kern moved to approve Resolution 886, authorizing the President of Council to sign the TEA-21 reimbursement agreement. Ms. Dauler seconded the motion, which passed unanimously.

Block Party. Mr. Fontaine said a request was received from the College Heights West neighborhood to conduct their annual neighborhood block party on Sunday, September 11, 2005, from 4:00 p.m. to 9:30 p.m. They are requesting the 400 block of Hillcrest Avenue be closed for this event.

Mr. Kern moved to approve the use of the street for the neighborhood block party. The motion was seconded by Ms. Dauler and approved with a 7-0-0 vote.

College Avenue Mile. Mr. Fontaine explained that a request was received from Downtown State College Improvement District (DID) to use the north lane of College Avenue (between Porter Road and Fraser Street) on Saturday, September 24, 2005, to conduct the State College Mile benefiting the State Theatre. The event will be held from 9:00 a.m. to 11:00 a.m. Previously, Council had approved the use of Allen Street between College and Beaver Avenue for this event but did not approve the use of College Avenue. If approved, the Borough will submit a request to PennDOT to close the north lane.

Mr. Kern moved to approve the use of the street for this event. Ms. Dauler seconded the motion. The motion was passed with a 7-0-0 vote.

Centre County Reads Kickoff. Mr. Fontaine noted that a request was received from Schlow Memorial Library to close Allen Street (Beaver Avenue to Highland Alley) for the Centre County Reads Kickoff on Saturday, September 24, 2005, from 7:00 a.m. to 12:00 noon.

A motion was made by Mr. Kern and seconded by Ms. Dauler to approve the use of the street for this event. The motion passed with a 7-0-0 vote.

Neighborhood Block Party. Mr. Fontaine said an application was received to hold a neighborhood block picnic on East Irvin Avenue (between Pugh Street and Berry Alley) on Sunday, September 25, 2005, from 4:00 p.m. to 8:30 p.m.

Mr. Kern moved and Ms. Dauler seconded a motion to allow the use of East Irvin Avenue for the block party. The motion passed unanimously.

Annual Fall Festival. Mr. Fontaine indicated Downtown State College Improvement District submitted a request to conduct the annual Fall Festival on Saturday, October 15, 2005. The event will be conducted on Foster Avenue (between Allen Street to Central Parklet), South Allen Street (between College Avenue and Foster Avenue) and Fraser Street (between Nittany Avenue and Foster Avenue). Signatures have been obtained from the businesses affected by the street closure approving the event.

Mr. Kern moved to approve the use of the streets for the annual Fall Festival. Ms. Dauler seconded the motion. The motion passed with a 7-0-0 vote.

Tree Lighting Ceremony. Mr. Fontaine said a request from Downtown State College Improvement District was received for the tree lighting ceremony on South Allen Street (between College and Beaver Avenues) for Thursday, November 17, 2005, from 3:30 p.m. to 9:00 p.m. The applicant is also requesting that traffic on Calder Alley be closed from 5:00 p.m. to 8:00 p.m. The applicant has obtained signatures from the businesses along Allen Street approving the event.

Mr. Kern moved to close Allen Street for the tree lighting ceremony. Ms. Dauler seconded the motion. The vote on the motion was 7-0-0. The motion passed.

Resolution for an Agreement with the Pennsylvania Department of Transportation for Winter Roadway Maintenance for the Years 2005 – 2010. Mr. Fontaine noted every five years a new agreement is proposed by PENNDOT for Borough Public Works Crews to complete winter maintenance on 10.80 miles of PENNDOT roadways located in the Borough. There are no changes proposed in the terms of the agreement from the 2000-2005 agreement. The contract for 2005-2006 is for \$28,368. The contract amount generally increases by at least 3% each year thereafter.

Mr. Kern asked how the numbers are calculated for winter snow removal, especially when there are several lanes. Mr. Whitfield explained PENNDOT applies a classification of A, B, C, etc., to a street and then places a dollar amount for snow removal based on that classification.

Mr. Kern moved to enact a Resolution authorizing the President of Council to sign the Pennsylvania Department of Transportation's Agreement # 3900019539 – Winter Traffic Service for 2005 – 2010. Ms. Dauler seconded the motion. The vote was 7-0-0 in favor of the motion.

ABC RECOMMENDATIONS

Highlands Neighborhood Traffic Calming Plan. Mr. Fontaine explained, since September 2004, the Borough's Transportation Commission has been addressing a request from residents of the Highlands Neighborhood for traffic calming. The Commission, following the traffic calming policy adopted by Council, has concluded their work, and on August 30, voted to recommend a traffic calming plan for the Highlands Neighborhood. The Commission's recommendation consists of two phases. The first phase will result in mitigation on East Foster Avenue, East Prospect Avenue, East Hamilton Avenue and Garner Street. The second phase involves monitoring on Irvin Avenue, Waring Avenue and McCormick Avenue, and traffic mitigation if warrants are met.

As required by the traffic mitigation policy, there was significant public participation in this process by the neighborhood. In addition to the citizens committee that was formed to work with the Transportation Commission, a post card survey was conducted to assess neighborhood opinion of the proposed mitigation plan. The survey results indicated that about 54 percent of the neighborhood was in favor of the mitigation plan. The percent of those in favor of the mitigation plan increased to about 59 percent if the surveys from arterial streets are excluded.

It should be noted that Public Works staff concurs with the Commission's recommendation with the exception of speed humps on East Foster Avenue. Staff and Trans Associates consistently recommended that the Commission not consider East Foster for speed mitigation since it did not exceed the criteria for mitigation as outlined in the policy. During the study period, speeds on Foster were monitored in two locations with automatic traffic recorders (ATRs) and in one location with radar. In all cases, the average speed did not exceed 10 mph over the posted speed limit of 25 mph. Staff and Trans Associates believe that East Foster Avenue should be considered with

Phase II of the plan. If, in the future, speed criteria are exceeded, Foster should be considered for mitigation.

In their consideration of staff's and Trans Associates' recommendation to exclude Foster in Phase I, the Commission felt strongly that placing speed mitigation on Prospect would adversely affect Foster in terms of traffic volume and speed. Additionally, the Commission believed that the speed measures were close enough to the 10 mph over the posted speed limit to warrant the placement of speed humps, and noted that data collected between Hetzel and High indicated speeds in excess of 35 mph for westbound traffic.

Ron Seybert, Trans Associates, the consultant contracted by the Borough to assist the Commission in conducting the study and developing a plan, presented an overview of the traffic calming policy process. The four step process consisted of 1) request and screening, 2) traffic calming plan development, 3) approval process, and 4) installation and evaluation. Currently, they were in the final steps of the approval process.

Mr. Seybert explained that in May of 2005, Trans Associates made their final recommendations to the Transportation Commission. Mr. Seybert noted the Transportation Commission voted in May 2005 to approve those recommendations with two changes: removing the planned center median on Hamilton Avenue, and including speed humps on Foster Avenue as part of Phase I. Following an open house held in June where comments were received from residents, the Transportation Commission modified their recommendation to test the transverse pavement markers on Garner Street, reduce the number speed humps on Prospect Avenue to three, and include two speed humps on Foster Avenue.

Mr. Seybert reviewed the survey data conducted in August indicating that of the 185 responses, 53.5 percent approved the plan. He noted the next step was for Council to approve the plan. Following Council approval, bids would be obtained and the mitigation measures would be constructed. As part of Phase II, the measures would be monitored every 6 months. To initiate mitigation for Irvin, Waring, and McCormick (and possibly Foster Avenue), speed warrants would need to be met over two consecutive review periods before the approval process would begin.

Mr. McCarl asked if Irvin, Waring and McCormick were to be monitored for speed and not volume. Mr. Seybert noted that volumes will be monitored as well. Mr. McCarl indicated his concern was the amount of traffic that would be diverted to these other streets if the speed mitigation measures were put in place. Mr. Seybert believed the amount of diverted traffic would be minimal. Mr. Balonis said traffic on Prospect Avenue increased by 45 percent when the island was put in place at the intersection of Foster Avenue and University Drive. Mr. Seybert noted that the mitigation on Foster Avenue was for a diverter and not a speed hump.

Mr. Meyer noted that the recommendation is to use a 3½-inch hump. He asked what the difference would be if a 3-inch hump is used. Mr. Seybert noted the speed differential would be about 5 mph for every one inch of height. For example, a vehicle could travel 5 mph faster over a 3-inch hump versus a 4-inch hump. Mr. Meyer noted that reducing the height of the hump would allow vehicles to travel at the posted speed limit. With the hump at 3½ inches, speed would drop below the posted speed limit.

Mr. Meyer moved to authorize the implementation of the traffic calming plan, to include as part of Phase I the installation of three speed humps on Prospect Avenue, three speed humps on Hamilton Avenue, and transverse pavement markers and 10 foot travel lanes on Garner Street; Phase II would include the installation of speed humps on Irvin, Waring, McCormick and Foster Avenue, as warrants were met; implementation of traffic calming devices to be completed in accordance with the Borough's traffic calming policy and PennDOT guidelines; and speed humps to be built to a 3-inch height. There was no second to the motion. The motion failed.

Mr. Daubert moved to approve the three speed humps on Prospect and Hamilton Avenues. Mr. Humphrey seconded the motion.

Mr. Welch asked what would happen if a vehicle was traveling at 50 mph. Mr. Seybert did not believe the driver would lose control of the vehicle but the driver would definitely feel the hump. Mr. Welch asked if signage would be installed to warn drivers. Mr. Seybert explained there would be a series of markers on the roadway as well as a sign. Mr. Welch asked if those signs were included in the estimate. Mr. Seybert replied the estimate included the signage as well as the road markings.

Ms. Dauler asked the difference between a speed bump or speed hump. Mr. Seybert said speed bumps are 6 to 8 inches high and are abrupt. A speed hump is over 12 feet in length and will be only 3 or 3-½ inches in height; the speed hump tapers off to meet the road surface. Mr. Welch asked the material used to construct the speed hump and Mr. Seybert indicated it would be made of asphalt. Mr. Kern believed the humps could be construed as pedestrian crossings and could cause problems.

Mr. McCarl noted a letter was received from E. Alan Cameron dated September 1, 2005. Mr. Cameron could not attend the meeting but asked that his letter be made a part of the record.

Chris Falzone, chair of the Transportation Commission and resident of 517 East Foster Avenue, encouraged Council to consider the revised plan as recommended by the Commission. The neighborhood survey conducted in August was based on the recommendations of the Transportation Commission, which included speed humps on Foster Avenue. Foster Avenue traffic is a concern. Although the average speed of 32 mph does not meet the warrants to necessitate mitigation in accordance with the traffic calming policy, the numbers are very close and vehicles traveling in one direction do meet the criteria for 10 mph over the posted speed limit. He noted that these are not drastic measures but could make the neighborhood more livable and more desirable.

Paul Jovanis, member of the Transportation Commission and resident of 346 Ridge Avenue, spoke on the Foster Avenue speed data. He noted that the numbers were very close. Statistically the number could go 3 mph above or below. As part of the traffic mitigation policy process, the community did vote on a plan that included speed humps on Foster Avenue as well as the transverse markers on Garner Street. The vote had occurred after numerous meetings and due consideration of the process. He believed the recommendation by the Transportation Commission was a plan that had the support of the community.

Mr. Meyer said speed humps on Foster Avenue did not meet the threshold of 35 mph (10 mph over the posted speed limit), which is the policy. The Transportation Commission does not have the right to say that 32 mph is close enough. The standard deviation could be 3 mph lower rather than 3 mph higher. Changing the threshold to 32 mph would change the policy for the entire town. He said he was not willing to change the policy at this time. He believed it was wrong to survey the community on a measure that did not meet the policy that Council had set. Mr. Jovanis questioned whether or not the community would support the plan without the speed humps on Foster Avenue.

Ms. Goreham said that, if individuals on the arterial streets are not included in the survey results, the approval rate is closer to 60 percent. Mr. Kern noted the survey is a community opinion and not a vote of the residents. This political body is the forum to make the decision. He added the motion on the table was for speed humps for Prospect and Hamilton Avenue. No motion had been made on Foster Avenue speed humps. He believed that, if a motion is made, Council should then discuss the issue.

Chris Balonis, 525 East McCormick Avenue, and member of the citizens committee that was formed to work with the Transportation Commission, noted that Trans Associate did a good job of presenting the plans. The consultant did say that the three speed humps on Prospect would lower the speed limit to 22 mph, which would be setting a new standard. She believed the survey was not a majority of the neighborhood because the response constituted only 6 percent of the neighborhood. She opined the speed mitigation devices were too aggressive; measures could be taken to methodically decrease the speed of vehicles in the neighborhood.

Kate Poorman, 510 East Prospect Avenue, also a member of the citizens committee that was formed to work with the Transportation Commission, did not believe this was more aggressive than the proposal by Trans Associates. She noted that the survey was sent out to all of the residents of the neighborhood, not just the property owners. There was a high number of returns from residents of owner-occupied properties, documenting the concern of people who want to keep this a livable neighborhood.

Bob Seibel, 510 East Fairmount Avenue, said there were many children in the neighborhood. Prospect Avenue has 2000 cars per day, 15 percent of which are speeding. That translates to 300 speeding cars per day. Since most traffic is going to occur within 15 hours per day, that comes out to 20 speeding cars per hour and 1 speeding vehicle every 3 minutes. The numbers could be much higher during peak hours when children are going to and from school. This was not safe. This issue has been discussed and many alternatives have been considered. Chicanes were rejected because the on-street parking would be lost and it would be expensive. Traffic circles were rejected because of the expense. Flower pots were discarded because of the liability issues. The solution before Council is an economical and effective way to address the problem of speeding vehicles. He did not believe the humps would be confused with pedestrian crosswalks because they would not be built to the curb. There would be a gap between the hump and the curb for melting snow and rain.

Eric Snyder, 511 Hetzel Street, reminded Council that without the arterial residents, the survey contained a 59 percent approval rate. The approval rate was even higher for the streets where these measures might be implemented. Although there is some concern about traffic shifting to other streets, he noted there was a 70 percent approval rate from the responses from Irvin Avenue, which is the street that could be most affected by shifting traffic.

Ryan Bennington, Off Campus Student Union, noted that tenants do have a vested interest in traffic in their communities. Because the survey was sent over the summer, he did not believe that students had the opportunity to be heard.

Rebecca Wells, 511 East Prospect Avenue thanked Council and urged Council members to vote in favor of the motion.

Carl Cotner, 451 East Hamilton Avenue, spoke in favor of the motion before Council with one caveat. He suggested that the speed hump on Hamilton Avenue between Hetzel and Garner be moved to the western side of Hamilton. The location as shown on the map may encourage people to use Hetzel as they are traveling from University Drive. Mr. Seybert noted that, because of the grade on Hamilton Avenue, the speed hump could not be pushed back further on Hamilton.

Mr. McCarl noted that he did not like the speed humps. He has seen them placed in other cities and then eventually removed. For this reason, he would like to see the humps placed as a test to be re-examined after a year. He predicted that the residents, having to face the humps every day, would eventually ask that they be removed.

Mr. McCarl moved to amend the motion on the floor that the speed humps be placed as temporary measure to be re-evaluated after one year. There was no second to the motion for amendment; the amendment failed.

Council continued to discuss placement of the humps on Hamilton. Mr. Daubert believed the Public Works Department's engineering staff should determine the best placement for the speed humps. Mr. Meyer pointed out that he felt uncomfortable voting on an unknown location. He believed that people would take the path of least resistance, which means they would divert up Hetzel Street from Prospect Avenue.

Mr. Balonis reminded Council that the survey was conducted when the students were not in town. He believed this was done purposely over the summer. Secondly, he reminded Council that about a month ago there was a radar sign on Garner Street informing the driver how fast he or she was traveling. He believed this was remarkably effectively and that drivers slowed down. He did not see why the money should be spent on speed humps when one sign can be effective. He noted that statements had been made that traffic would not be diverted onto other neighborhood streets and that the intent was to reduce the speed. However, he believed the ultimate goal of the neighborhood residents on Foster, Hamilton and Prospect Avenue was to divert the traffic. When mitigation measures were taken on Foster Avenue a few years ago, traffic was diverted to every street. He opposed the measures proposed by Council because he believed it to be erroneous to say that traffic would not be diverted.

The question on the original motion was called. The motion, as repeated back, was to install three speed humps on Prospect and Hamilton Avenue. The vote on the motion was 4-3-0, with Mr. McCarl, Mr. Meyer, and Ms. Dauler opposed. The motion passed.

Mr. Daubert moved to ask that staff study moving the second hump on Hamilton to the block on Hetzel Street between Prospect and Hamilton, and if feasible, to implement its placement. Mr. Kern seconded the motion. The motion passed unanimously with a 7-0-0 vote.

Council discussed the height of the speed humps. Mr. Meyer believed the humps should be set at 3 inches rather than 3½ inches. Mr. Humphrey asked the difference in cost. Mr. Meyer noted that there would be no difference in cost; he argued the difference would be that traffic could travel at the posted speed limit and would not divert to another street because the humps would slow them to less than the posted speed limit. He added that Trans Associate recommended 3-inch humps.

Ms. Goreham did not agree; she believed the half inch in height could encourage drivers to slow down, which is the objective. She said the reduction in speed for a 3-inch versus a 3½-inch hump was only an approximation. Council discussed the anticipated reduction in speed for each inch of height of the speed hump.

Ms. Dauler suggested Council think about what the neighborhood residents had been through and all the work that went into the process. She did not believe it was worth an argument for a ½ inch of height. If the residents want 3½ inch humps, she would agree. The issue is that traffic will slow down.

Mr. Meyer moved to construct 3-inch humps rather than 3½-inch humps. Mr. Humphrey seconded the motion. The vote was 2-5-0 with Ms. Dauler, Mr. Daubert, Ms. Goreham, Mr. Kern and Mr. McCarl opposed; the motion failed.

Mr. Kern moved to install 10-foot travel lanes and transverse markers on Garner Street and two speed humps on Foster Avenue. Ms. Dauler seconded the motion.

Mr. Kern asked about the transverse markers and whether it would slow down traffic. Mr. Seybert reported that it had been successful in other locations. He predicted narrowing the travel lanes would slow down traffic more than the transverse markers.

Mr. Daubert said he had been traveling Garner Street since 1959 and did not believe that bicycles needed more space. Narrowing the lanes would create a more dangerous situation, especially in the winter. The only letter received from a Garner Street resident spoke against this measure. Ms. Goreham noted the most dangerous intersection is Garner Street and Prospect Avenue. She had spoken to a resident at that corner who had begged for more dramatic safety measures.

Mr. Kern said that paint and a few plastic markers on the road would not be drastic measures and would not be a financial burden. Ms. Dauler indicated that, if the narrowing of the lanes and the transverse markers reduced the speed of vehicles and created a safer street, she could not see voting against it.

Ms. Balonis stated throughout the process the consultant has indicated that Foster Avenue does not meet the necessary criteria for speed mitigation measures. The Transportation Commission felt strongly that speed mitigation on other streets would have a negative effect on Foster Avenue. This illustrates the problem that any mitigation in the Highlands would fix the problem on one street but compound and transfer the problem to another. Although she appreciated the concerns of the Foster Avenue residents, she was disappointed that similar concerns were not expressed for residents on Irvin Avenue. She believed this was because two residents of Foster Avenue serve on the Transportation Commission.

Eric Snyder, 517 Hetzel Street, agreed with the placement of speed humps on Foster Avenue. The Commission wanted to do more on the southern streets but there was opposition. It was common sense that southern streets (Irvin, Waring and McCormick Avenues) are different. Much of the traffic in the streets closest to the downtown is generated by the University. Many people will not go that far out of their way to avoid the speed humps. He noted that the Commission stressed the importance of monitoring the other streets in the neighborhood.

Mr. McCarl said he did not agree with narrowing of the lanes on Garner Street. He believed this would bring the cars closer together and create safety concerns.

Ms. Dauler reminded Council members that in the past, when mitigation efforts were being proposed for College Heights, the consultant was told by the residents that the proposed traffic mitigation measures were not enough. The residents were correct. That is important to think about here. If the residents feel that Council should provide speed mitigation measures on Foster Avenue then Council should listen. Although she appreciated the work of the consultant, residents who live there know what the traffic is like.

Mr. Meyer said he was against installing speed humps on Foster Avenue. A policy established by this Council set the standards for mitigation. By approving the speed humps Council would be changing the policy. It is wrong for Council to vote in favor of the Foster Avenue speed humps due to the fact that Council would essentially be setting the benchmark at 32 mph rather than 35 mph.

Christina Rambeau, member of the Transportation Commission and resident of Foster Avenue, stated the Commission feels strongly that quick action needed to be taken on Garner Street. There are high accident rates and cars going fast. On Foster Avenue, vehicles speed between University Drive and Hetzel until they come up to the stop sign. The fact that the numbers are not high enough is not enough reason to eliminate the need for the speed humps. She encouraged Council to support the neighborhood residents.

The question was called on the motion. The vote was 5-2-0 with Mr. Daubert and Mr. Meyer opposed. The motion passed.

Council took a five minute break and then reconvened.

OLD BUSINESS

Ad hoc Tax Study Committee Report. Mr. Fontaine noted that in January, Council appointed an ad hoc Tax Study Committee to consider the most appropriate mix of taxes for the Borough to implement in 2006. The Committee was asked to consider a variety of issues related to the Homestead Exclusion, the Business Privilege Tax and Real Estate Taxes. The Committee filed its report with Council on August 1. The Committee recommended the following actions:

- o Enact a Homestead Exclusion in 2007 to exclude the first \$30,000 of assessed value on owner occupied real estate;
- o Repeal the Business Privilege Tax in 2007 and levy 2 mills of property tax to replace the revenue from the Business Privilege Tax;
- o Freeze the Borough's Earned Income Tax Rate at the current 1.6% rate;
- o Lobby the Pennsylvania legislature for meaningful tax reform aimed at changing the income tax base to personal income and authorizing a local sales tax; and
- o Adopt a more aggressive approach to defend assessment appeals.

Council was asked to forward requests for additional information and questions to the Manager. Staff has prepared a report to respond to Council's request. Staff has also prepared a report providing an analysis of the ad hoc Tax Committee's report. As a general statement, staff concurs with the Committee's recommendation, but recommends two modifications:

- o Staff recommends that the Homestead Exclusion should be explicitly linked to revenue generated by the Emergency and Municipal Service Tax, resulting in a 2007 Homestead Exclusion of \$20,000; and

- Staff recommends that Council discuss an increase in the Earned Income Tax to offset part of the lost revenue from the repealed Business Privilege Tax, resulting in an increase in the Earned Income Tax of .1% and reducing the property tax increase to 1 mill.

Mr. Kern moved to receive the two reports, schedule discussion for the September 12 work session, and schedule a public hearing on September 19. Ms. Dauler seconded the motion. The vote on the motion passed with a 7-0-0 vote.

Ms. Goreham distributed an alternate proposal to keep the Business Privilege Tax but redirect \$400,000 into the recruitment and retention of businesses downtown. She believed that rescinding the Business Privilege Tax would not be enough to regenerate and recruit business in the downtown. Council indicated they would discuss all the proposals at the September 12 work session.

Fire Safety Code Amendments. Mr. Fontaine said Council and the Centre Region Code Committee have reviewed amendments to the Property Maintenance Code. Following the most recent Council discussion, the draft amendment has been modified to address concerns raised by Council, the COG Code Committee and public comments. The most recent modifications to the amendment provide for:

- Up to six months for installation of either permanent, hard wired or wirelessly interconnected smoke detectors in each sleeping room and common areas in all rental units, or temporary battery operated smoke detectors in each sleeping room and common areas in all rental units. (If temporary smoke detectors are installed during this grace period, the units must be brought into full compliance with the hard wire, interconnection provision within two years. Also, tamperproof detectors with battery life of at least 10 years may be installed in lieu of hard wired detectors.)
- An inspection schedule that calls for all rental units to be inspected on three year cycles, with any unit that receives an unsatisfactory inspection moved up to annual inspections until three consecutive satisfactory inspections are achieved.
- Increased penalties for property owners/landlords that fail to make the rental units available for inspection as required by the Code.
- Increased penalties for tampering with life safety devices in rental units, and requirements for tenants and landlords to verify that life safety devices are in working order at the beginning of the lease period.
- Second means of egress in all rental units where a third level is occupied.

Mr. Fontaine noted that code staff would not be available at the September 12 work session and questions or concerns should be directed to code officials at this time.

Mr. Daubert asked that the term "life safety violations" be further defined. His concern was that points would be assigned to property owners for minor property maintenance violations, such as a cracked electrical faceplate. Tim Knisely, Centre Region Code Administration, indicated Chapter 2 of the International Property Maintenance Code included a definition of life safety; he could include that in the language. Mr. Daubert suggested there be a list of violations that would be considered life safety.

Mr. Daubert asked about the height of the egress for third floor, in particular for properties that have a slope. Mr. Knisely said there was definition for a floor above grade that could be included in the ordinance. There will be some instances where the grade of the property will create a third floor to a two-story building to the rear of the property.

Mr. Daubert noted the 20-foot height requirement for second egress was too high. Mr. Kern asked how this was applied in other municipalities. Mr. Knisely explained there was reference to third floors but no height was listed. He agreed the number could be lowered.

Mr. Daubert said the 180-day requirement for temporary smoke detectors was too long. If the proposed ordinance were enacted in October, property owners would not be in compliance until April of 2007. Mr. Kern said the COG Code Committee's rationale for making this recommendation was that if a limit of 6 months were given, landlords would have the time necessary to determine if permanent compliance could be done immediately. This way, the interconnected smoke detectors may be installed earlier than the two year compliance time frame. With only two months to comply, most property owners would place temporary detectors and would not attempt to make the interconnected smoke detectors until the full two years. It is hoped that the permanent solutions would be in place sooner.

Mr. Fontaine noted that this language does not reduce the requirements for smoke detectors. The anti-tampering fines would go into effect immediately. Even with the six month time frame for implementation, smoke detectors will be required in every sleeping room. The ordinance would create a safer unit for renters immediately.

Mr. Daubert noted that the proposed ordinance calls for a three-year inspection cycle; however, there are some units that have not been inspected for three or more years. Mr. Knisely stated that by December 31, 2005, they would have all of the rental housing inspections up to date. This

means that if a unit has not been inspected for three years, it would be done by the end of the year.

Mr. McCarl asked if the existing code staff would be able to handle the three-year inspection schedule. Mr. Knisely believed it could be done. If they were inundated with structures requiring one-year inspections because of unsatisfactory inspections, the workload may become an issue.

Mr. Kern moved to receive the Property Maintenance Code amendment, as modified, schedule it for discussion at the September 12 work session, and schedule a public hearing on September 19, 2005. Ms. Dauler seconded the motion. The motion passed with a 7-0-0 vote.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Mr. Daubert reminded Council that on September 12, from 5:30 to 6:45 p.m., a special meeting with Ferguson Township officials would be held to receive the final Urban Village Market Feasibility Study. Following the special meeting, Council will reconvene at 7:00 p.m. for a work session.

Mr. Daubert also announced there would be an executive session following the meeting to discuss possible litigation.

ITEMS OF INFORMATION

Mr. McCarl noted that he had talked with the Borough Solicitor during the break and asked that it be noted in the record that he had voted incorrectly on an earlier motion to install transverse markers on Garner Street and speed humps on Foster Avenue. This does not change the outcome of the vote. He asked the record show that he voted counter to what he had intended.

Regarding the recent disaster resulting from Hurricane Katrina, Ms. Dauler spoke on the need for first responders to communicate in the county. She did not believe there was a viable system in place. Mr. Fontaine indicated there was a good level of operability within the Centre Region. If a disaster would strike beyond the Region, there could be communication issues. This is a common problem throughout the country and expensive to correct nationally. Ms. Dauler did not believe that this was acceptable and indicated she would be writing a letter to federal legislators. She encouraged Council members to do the same. She believed local municipalities should make a stand on this and make it clear that national emergency communication should be in place in the event of a disaster or terrorist attack. Council members agreed but believed that more information was needed before a letter could be written. Council instructed staff to gather information on what the County has done and what needed to be done to address the inoperability problems.

There being no further business, Council adjourned to an executive session at 10:25 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary