

**Meeting Agenda**  
**Borough of State College Council**  
**Regular Meeting**  
**Monday, February 6, 2023**  
**7:00 p.m.**

*Please note: The Borough Council Regular Meeting will be a hybrid meeting – held in person in the State College Municipal Building and via Zoom for participants who are unable to attend in person. The Zoom link is:*

[https://us02web.zoom.us/webinar/register/WN\\_63S8H459Tle7OVKTUOuiGg](https://us02web.zoom.us/webinar/register/WN_63S8H459Tle7OVKTUOuiGg)

**I. Call to Order**

**II. Moment of Silence and Pledge of Allegiance**

**III. Roll Call**

Ezra Nanes, Mayor  
Jesse L. Barlow, Council President  
Deanna M. Behring  
Janet P. Engeman  
Nalini Krishnankutty  
Peter S. Marshall  
Gopal Balachandran  
Divine Lipscomb

**IV. Virtual Meeting Procedure Overview**

**V. Public Hearing**

**A. Hearing on Application for Conditional Use Permit for Motor-Vehicle-Oriented Business at 605 University Drive**

Council will hold a public hearing on an Application from Resham Dadra for a Conditional Use Permit [Pages 7-28] to operate a Motor-Vehicle-Oriented Business (MVOB) at 605 University Drive, formerly Sunoco fuel and service station. Terry Williams, the Borough Solicitor, will conduct the hearing.

The purpose of the hearing is to receive testimony on the application and is limited in scope to those specific matters related to the Conditional Use Application for the operation of a MVOB.

After concluding the public hearing, Council should direct the Solicitor to prepare a written decision for consideration at the March 6, 2023, Council meeting.

## **VI. Proclamations, Resolutions, and Special Business**

### **A. Proclamations**

- a. Black History Month - Mayor Nanes will issue a Proclamation declaring February as Black History Month. *[Pages 29-30]*
- b. City of THON - Mayor Nanes will issue a Proclamation renaming the Borough of State College as the “City of THON” for the THON 2023 weekend. *[Pages 31-32]*
- c. National School Counseling Week – Mayor Nanes will issue a Proclamation declaring February 6 – 10, 2023, as National School Counseling Week on behalf of the State College Area School District school counselors. *[Pages 33-34]*

### **B. Special Business**

- a. Planning Commission Annual Report and Work Plan - Zoe Boniface, Chair of the Planning Commission, will highlight the Commission’s 2022 activities and present the proposed 2023 Work Plan for Council’s consideration. *[Pages 35-36]*
- b. Shade Tree Commission Annual Report and Work Plan - Lynn Herman, Chair of the Shade Tree Commission, and Elaine Schuckers, Vice Chair, will present the Commission’s proposed 2023 Work Plan for Council’s consideration and review the Commission's recent activities. *[Pages 37-38]*
- c. LGBTQ Advisory Committee Annual Report – Sonya Wilmoth, Co-Chair of the LGBTQ Advisory Committee, will highlight the Committee’s 2022 activities and present the proposed 2023 Work Plan for Council’s consideration. *[Pages 39-40]*
- d. Design Review Board Annual Report and Work Plan – Eric Boeldt, Chair of the Design Review Board, will highlight the Board’s 2022 activities and present the proposed 2023 Work Plan for Council’s consideration. *[Pages 41-42]*

## **VII. Public Hour**

Anyone in the audience wishing to address Council with an item that is not on the agenda should ask to be recognized at this time. Each speaker will have four minutes to present comments to Council.

## VIII. Consent Items

Recommendation: Staff recommends that Council approve the following Consent items. (Attached to the agenda beginning on *Page 43* is the background information.)

- A. Approve Payroll and Accounts Payable vouchers for the month ended January 31, 2023, totaling \$5,206,335.62.
- B. Accept Lane LaBelle's resignation from the LGBTQ Advisory Committee. *[Pages 43-44]*
- C. Accept Brian Schultz's resignation from the Transportation Commission. *[Pages 45-46]*
- D. Approve a Reimbursement Resolution for the (Calder Way) Sewer Line Improvement Project to enable the use of General Fund monies for temporary financing of eligible project expenses that can be reimbursed from an anticipated future PENNVEST loan award in the amount of \$2,303,853. *[Pages 47-48]*
- E. Accept a loan award offer in the amount of \$2,440,892 loan from PENNVEST for Calder Way Stormwater Improvements between Fraser and McAllister Streets. The loan is a 20-year loan with an interest only period from Years 1-5 at a rate of 1.743%, then a rate of 2.179% from Years 6 to maturity. A copy of the funding offer is attached. *[Pages 49-62]*
- F. Approve the execution of a three (3) year software licensing agreement with ESRI expiring January 2026. *[Pages 63-64]*
- G. Approve a Resolution authorizing the COG Intermunicipal Agreement to Transfer Ownership of the COG Building to the Centre Region Council of Governments. *[Pages 65-88]*
- H. Approve of the use of the Sidney Friedman Park for the Rhoneymeade Festival on June 2, 2023. *[Pages 89-92]*
- I. Approval of the following minutes:

January 9, 2023	Public Hearing	<i>Pages 93-96</i>
January 9, 2023	Regular Meeting	<i>Pages 97-102</i>

## IX. General Policy and Administration

- A. Resolution No. 1343 Approving the Liquor License Transfer Request, With Conditions, – 134 S Allen Street, Inc

134 State College, Inc (d/b/a Brothers Bar & Grill) has applied to transfer Restaurant Liquor License, R-21263, from 418 Westerly Parkway, Fuji &

Jade Garden, Inc., to 134 S Allen Street. This license is one of a limited number of licenses previously approved for intermunicipal transfer into the Borough.

Council held a public hearing on this application on January 9, 2023.

Based on testimony provided at the hearing, Resolution #1343 *[Pages 103-114]* approves this application with conditions. During the hearing, the applicant committed to a food menu stipulation, but requested that approval not include conditions for a food beverage ratio and drink container size limit. The Agreement includes conditions for a Food Stipulation, Contemporaneous Food and Alcohol Sales Required, Location Limitation, Transferability Limitations, Non-Smoking Establishment, and a stand-alone Liquor License Transfer Agreement.

Council previously included several conditions on this license and other similar licenses, including, but not limited to, food-beverage ratio, container size, prohibition of live music, bar seat limitation, and operations hours. In 2019, Council approved an intermunicipal license transfer without a food beverage ratio.

Based on the removal of the food-beverage ratio in the 2019 intermunicipal liquor license transfer, the fact that this license already exists in the Borough, background review of the applicant and its operating history in other similar college towns, the conditions noted above, a review of the data, and other information presented during the hearing, staff is recommending approval of the transfer with the conditions noted.

**Staff Recommendation:** Staff recommends that Council adopt Resolution #1343 to approve the application and the Liquor License Transfer Agreement License No. R-21263 with conditions.

**B. Graduate Professional Student Association's Representative to Council**

On December 19, 2022, Council accepted Kailey Elrod's resignation as the Student Representative for the Graduate and Professional Student Association (GPSA).

On January 18, 2023, GPSA's Board nominated Jada Quinland to be the next GPSA's Representative to Council to fill the unexpired term ending May 1, 2023. *[Pages 115-116]*

**Staff Recommendation:** Staff recommends Council approve the attached Resolution approving GPSA's selection of Jada Quinland to serve as GPSA's representative to the State College Borough Council for a term ending May 1, 2023. *[Pages 127-128]*

**X. Equity and Inclusion - No Business**

**XI. Parking - No Business**

**XII. Planning and Zoning**

A. State College Area School District (SCASD) Conditional Use Permit Amendment

SCASD is proposing construction of a new Physical Plant Building, which includes parking spaces, at the High School Campus and is requesting to amend the 2015 Conditional Use Permit approval to accurately reflect the number of parking spaces provided and required based upon the addition of the Physical Plant Building.

On January 9, 2023, Council conducted a public hearing for this application. Council asked the Borough Solicitor to prepare a draft decision based on the testimony at the public hearing and Council's deliberation.

The draft decision is attached beginning on *Pages 129-136*. Council will consider final action this evening.

**Staff Recommendation:** Staff recommends Council approve the Conditional Use Permit Amendment.

**XIII. Public Safety - No Business**

**XIV. Public Works - No Business**

**XV. Regional Issues - No Business**

**XVI. Official Reports and Correspondence**

A. Mayor's Report

B. President's Report

C. Staff/Committee Reports

- a. Dwight Miller will provide an update on the Borough's ARPA Grant Funding. *[Pages 137-138]*
- b. Dwight Miller will also present information and request feedback about the Centre Region COG fund balance reserves policies.

D. Student Representative Reports

- SCASD
- UPUA
- GPSA

**XVII. Adjournment**