

MINUTES OF THE PUBLIC HEARING OF THE INDIANA BOROUGH COUNCIL
HELD TUESDAY, APRIL 5, 2011, AT 6:15 PM, IN THE COUNCIL CHAMBERS OF
THE MUNICIPAL BUILDING.

PRESENT: President Simmons, Presiding; D. Pepper, Recording; Council Members
Bricklemyer, Hartman, Kravetsky, Petrosky, Shively, Thompson and Thorell; Chief
Sutton; Solicitor Kablack; Public Works Director Fairman; Zoning/Code Director Kirk;
Asst. Treasurer Sipos; Randy Wells, Indiana Gazette; and David Moore.

President Simmons called the Public Hearing to order, at 6:15 PM.

The purpose of the meeting was to hear a TND Conditional Use request for David Moore.
Zoning Director Kirk explained that this request was to add on to his existing TND
project that Moore completed last year on South 7th Street. Moore has acquired the
property just east of his development. He submitted plans to the Indiana Borough
Planning Commission to combine these properties, tear down the single family use and
build a three-unit apartment building. There will be three (3) people per unit, for the
three-unit apartment complex. The Planning Commission has reviewed this and
forwarded it to Council with a favorable recommendation.

Councilman Bricklemyer noted that Council is considering some modifications to the
TND this evening, and he questioned which ordinance this request would apply to. Kirk
explained that this request was submitted prior to any action taken tonight, and he had
already been grandfathered in. The only aspect that could be affected would be the
parking requirements, and Moore still has enough parking to comply.

Councilman Petrosky asked how many feet Moore had on Wayne Avenue and
Washington Street. Moore replied 150 feet on Washington Street and 101 feet on Wayne
Avenue.

Pres. Simmons asked for any Public Participation, but there was none.

Hearing no further comments, Pres. Simmons declared the Public Hearing closed at
6:23 PM.

MINUTES OF THE PUBLIC HEARING OF THE INDIANA BOROUGH COUNCIL
HELD TUESDAY, APRIL 5, 2011, AT 6:30 PM, IN THE COUNCIL CHAMBERS OF
THE MUNICIPAL BUILDING.

PRESENT: President Simmons, Presiding; D. Peffer, Recording; Council Members Bricklemyer, Hartman, Kravetsky, Petrosky, Shively, Thompson and Thorell; Mayor Hood; Chief Sutton; Solicitor Kablack; Public Works Director Fairman; Zoning/Code Director Kirk; Asst. Treasurer Sipos; Randy Wells, Indiana Gazette; Anthony Lang and representatives of Steel City Samiches; Dana Henry, Indiana County Chamber of Commerce; and several visitors.

President Simmons called the Public Hearing to order, at 6:30 PM.

The purpose of the meeting was to hear testimony in regard to the transfer of a liquor license to Steel City Samiches at 15 North Seventh Street.

Anthony Lang, co-owner of Steel City Samiches, stated they are requesting the transfer of a liquor license from Center Township to their business in Indiana Borough. According to Lang, his family has over 40 years in the restaurant business. Lang feels the liquor license will add a new dynamic to the restaurant and help attract a broader customer base, but the owners will preserve the current family-friendly atmosphere. The license will allow the sale of beer, wine and alcohol and six-packs to go. The license transfer still needs the approval of the state's Liquor Control Board.

President Simmons asked their hours of operation. Lang stated they are open Monday, Tuesday and Wednesday from 10:30 AM to 3:00 AM; Thursday, Friday and Saturday from 10:30 AM to 4:00 AM; and Sunday from 10:30 AM until midnight. Simmons asked if Lang was aware of the fact that he wouldn't be allowed to serve alcohol past 2:00 AM, and Lang said yes.

Councilman Petrosky asked if they would be increasing the size of their establishment, and Lang said no. Lang stated they usually have their patio closed by 10:00 PM or 11:00 PM, and they also offer a full menu from the kitchen until closing.

President Simmons asked for any Public Participation.

Dana Henry, President of the Indiana County Chamber of Commerce, was in attendance to support Steel City Samiches' request for a liquor license transfer. Henry stated they are a family owned business and a Chamber of Commerce member. Henry stated Steel City Samiches also just opened another business in the KCAC.

When asked about their presence at the KCAC, Lang stated it is a joint venture with Aramark.

Hearing no further comments, President Simmons declared the Public Hearing closed at 6:35 PM.

MINUTES OF THE PUBLIC HEARING OF THE INDIANA BOROUGH COUNCIL
HELD TUESDAY, APRIL 5, 2011, AT 6:45 PM, IN THE COUNCIL CHAMBERS OF
THE MUNICIPAL BUILDING.

PRESENT: President Simmons, Presiding; D. Peffer, Recording; Council Members Bricklemeyer, Gallo, Geesey, Hartman, Jobe, Jones, Kravetsky, Petrosky, Shively, Thompson and Thorell; Mayor Hood; Chief Sutton; Solicitor Kablack; Public Works Director Fairman; Zoning/Code Director Kirk; Asst. Treasurer Sipos; Fire Chief Kelly; Dr. Rhonda Luckey, IUP; Jay Knarr, Downtown Indiana; Representatives of UWUA Local #580; Randy Wells, Indiana Gazette; Maria Miller, Renda Broadcasting; Brad Martineau; Doug Lockard, and several visitors.

President Simmons called the Public Hearing to order, at 6:45 PM.

The purpose of the meeting was to hear testimony in regard to amending Ordinance No. 1722 Section 5, referencing the sign section of the Zoning Ordinance, and an amendment to the TND Overlay Zone Ordinance.

Zoning/Code Director Kirk stated there has only been one issue since the ordinance was advertised and available for review. Kirk stated there has been some concern that the proposed ordinance amendment would be handcuffing the developers. We have established a maximum amount of parking that a developer may provide at one space per four occupants. Kirk's had considerable discussion with several developers and some were okay with it, while others felt it was too restrictive in the amount of parking they were allowed to provide. They feel the borough should just let it up to the market.

President Simmons stated that from the Community Development Committee, they want to see more buildings in the overlay, rather than just parking spots. Kirk stated that we currently have two spaces for every three tenants and as a result of that requirement, we have a lot of underdeveloped real estate. This puts a lot of responsibility on the municipality and university to figure out where these tenants will go to park.

Kirk stated these amendments will eliminate the conditional use requirement of any proposed overlay project. If this ordinance gets adopted, it will go through the same process, but the developer won't have to go through the current four steps. Councilman Thorell stated part of the sale of the overlay zone was that Council would have the final say on any proposed project. Thorell stated he wasn't comfortable with turning it all over to the Planning Commission.

Councilwoman Jones stated her neighborhood has too many cars, and they are right there next to IUP. Jones feels it is important for the developer to be able to provide parking for his tenants.

President Simmons asked for any Public Participation.

Doug Lockard, of Kuzneski & Lockard Real Estate, applauded Council's efforts, but felt there was one area that was worthy of reconsidering and that is the parking requirements. Lockard stated his business manages properties with over 400 students and without question, the more difficult units to rent or keep rented are those with little or no parking. Despite our desire to discourage freshmen or upperclassmen from bringing cars to town, they do. Lockard feels a responsible compromise would be in order and not create a huge burden for either the municipality or university.

Councilman Brickleyer asked if Lockard was suggesting that if the parking is limited, it could somehow inhibit the development of these large proposals. Lockard reiterated his opinion that the projects with no parking, where the students or tenants have to find their own, are more difficult to rent or keep rented.

Councilman Geesey stated we can debate and talk, but how do we know what we see as market activity now will be the same in five years, in order to prevent us from having to revisit this. Councilman Hartman stated the Planning Commission has discussed this for a long time.

Brad Martineau stated he had been involved in this discussion from the beginning, and the thought had been how can we start instigating some development in the overlay. Half of students have cars and half don't. If people have cars, they can go one block outside the overlay. Martineau suggested having a maximum of two spaces for every three tenants imposed, but leave the minimum at zero and let it up to the developer. Let the developer be able to look at it on a project by project basis and determine what they need.

Hearing no further testimony, President Simmons declared the Public Hearing closed at 7:17 PM.

MINUTES OF THE REGULAR MONTHLY MEETING OF THE INDIANA
BOROUGH COUNCIL HELD TUESDAY, APRIL 5, 2011, AT 7:18 PM, IN THE
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING.

PRESENT: President Simmons, Presiding; D. Peffer, Recording; Council Members Bricklemyer, Gallo, Gecsey, Hartman, Jobe, Jones, Kravetsky, Petrosky, Shively, Thompson and Thorell; Mayor Hood; Chief Sutton; Solicitor Kablack; Public Works Director Fairman; Zoning/Code Director Kirk; Asst. Treasurer Sipos; Fire Chief Kelly; Dr. Rhonda Luckey, IUP; Jay Knarr, Downtown Indiana; Representatives of UWUA Local #580; Randy Wells, Indiana Gazette; Maria Miller, Renda Broadcasting; J. D. Varner; Boy Scouts from Troop 11; and several visitors.

President Simmons called the meeting to order at 7:18 PM.

After a moment of silent reflection, Councilman Shively led the Pledge of Allegiance.

Pres. Simmons asked for a Roll Call, and all twelve Council members were in attendance.

There was a motion by Geesey, second by Bricklemyer, to approve the minutes of the Public Hearing of March 8, 2011, as written. Motion Carried.

There was a motion by Jones, second by Hartman, to approve the minutes of the Regular Meeting of March 8, 2011, as written. Motion Carried.

There was a motion by Thorell, second by Shively, to approve the Financial Reports for February 2011 as presented. Motion Carried.

The following action occurred during Public Participation:

- J. D. Varner reiterated his previous request that Ross Bricklemyer be removed from Indiana Borough Council and be banned from ever serving in that capacity again. Varner doesn't feel Council should have tried to "pass the buck" to the State Ethics Commission. Varner stated Council felt the infraction of Borough Code #1349 was serious enough to take the Foundation for IUP to court in 2008, but yet failed to take similar action against Mr. Bricklemyer. Varner stated there can be no statute of limitation on these double standards of enforcement.

The following action occurred during the Committee Reports:

ADMINISTRATION:

- Chairwoman Jones noted a correction to her Committee minutes, by stating that Mayor Hood was present at the meeting.
- Once again, Stanley Jake spoke to the Administration Committee about granting the library a permanent lease at its current location.
- The annual audit of the Borough's records is being conducted, and everything is looking good. Kim Dorchak, of Kotzan CPA & Associates, will meet with

members of the Administration & Audit Committees on April 26, 2011. A full report will be presented to Council at the Regular Meeting on May 3, 2011.

- An Executive Session was held to discuss the letter from the State Ethics Commission regarding Councilman Ross Brickleyer. The Ethics Commission is not going to pursue any action, so the Administration Committee recommends that this matter be worked out between Varner and Brickleyer. Chairwoman Jones stated this matter was investigated, and it is unfounded.
- An Executive Session was held to discuss the tentative agreement that was reached between the Borough of Indiana and the UWUA Local #580. Jones then requested an Executive Session be held later for the purpose of reviewing the tentative agreement, and then return to vote on ratification of the contract.
- Councilman Hartman asked if we bill the Post Office for the LST (Local Services Tax) for their employees. Asst. Treasurer Sipos stated those employees are responsible for paying it on their own.

COMMUNITY DEVELOPMENT:

- Per a request from the Jimmy Stewart Museum for June 11 & 12, 2011, there was a motion by Hartman, second by Kravetsky, to close Philadelphia Street from 7th to 9th Streets from 10 AM – 5 PM; and to close Philadelphia Street from 8th to 9th Streets for the entire two days. This will also require Penn Dot approval. Motion Carried.
- The Ordinance requiring landlords to take responsibility with the trash cans will stand as written.

PUBLIC SAFETY:

- The infrastructure changes have been made in the Police Department, and tours are welcome.
- A discussion was held about the fading crosswalk markings around town. Chief Sutton will work with Dave Fairman to come up with a maintenance and re-striping plan to be implemented in early spring.
- The Committee appreciates the work and efforts of Mr. Fairman with his ongoing replacement of street signs.
- A correction was noted to the Committee minutes regarding the engineering services for the North 7th and Philadelphia Street evaluation from HRG, Inc.

PUBLIC WORKS:

- We had to replace a variable frequency drive unit on one of the return pumps at the WWTP. The old one blew up, but fortunately Scott Anderson found a replacement for \$2,000 that was compatible with the system.
- The control panel and both circuit boards went out in the U.V. system on March 10th. It is running now, but we have no control other than being able to turn it off and on. The controller has been sent to Trojan to see if it can be repaired. If so, the cost will be \$3,045. If not, they will try and replace the circuit board if available, which would be more expensive. The worse case scenario is that we have to purchase a new PLC unit that will be built to the specifications of our

system. This option is quite expensive at \$30,000 plus and has a 2 to 3 month lead time.

- The bid award process has started on the Locust Street improvements. Paperwork is being completed, and a preconstruction meeting will take place this Thursday.
- The final pay request for the KCAC Interceptor Project was received in the amount of \$7,500.
- Several IUP volunteers picked up litter in the Elm Street area on March 19th.
- Dave Fairman has submitted a list of crosswalks that he would like to mark using thermo-plastic tape versus paint. Currently, we are not getting a year's worth of wear from the new low VOC water based paint. The selected crosswalks are in school zones. Even though it is more expensive, if the tape happens to last two years we are at a near break even cost compared to paint.
- The gentleman that mowed Paul McGregor Park last season will not be returning this year. Since the neglected properties that the Street Department has been mowing in the past is down to three, Fairman will utilize the college summer help to mow the park. This young man has worked for us the past two summers and is quite capable and responsible for this mowing task.
- It will cost approximately \$100,000 to replace the windows and do the necessary masonry pointing and repairs on the Community Center Building.
- The seal between the old section of the Parking Garage and the new section has failed once again. Nathan Contracting has been notified since the joint material is under warranty. Todd Banks will check with Matt Hunt, of Walker Consultants, to determine if another type of joint may be the best long term solution.
- The Police Garage floor is leaking into the locker room below the garage. Unfortunately, the extent of the repairs remains a mystery until the old layer is removed and a core sample and visual inspection can be done. Dave Fairman is going to check with the Fire Department, since they had a similar issue at the West End Station. He will report back to the Committee at the next regular Public Works meeting.
- The 2011 proposed paving list has been prepared. The list was done based on priority and depending on the bid quotes, some of the streets may have to be cut.
- The week of April 18th, the Borough will be picking up limbs placed at the curb.
- Councilman Geesey questioned why our recycling was done by 23%. Hartman feels that a lot of people are now throwing away their recyclables. Another reason could be that they are turning things in themselves. Hartman feels that this is something that needs to be discussed at a future Work Session.

SHADE TREE COMMISSION:

- Everyone received a copy of the March 10th Commission minutes.
- Public Works Director Fairman will be attending this month's meeting.

RECREATION COMMISSION:

- Councilman Hartman stated that from now on, the Department's winter and spring programs will be combined into one brochure.
- They have started looking at the purchase of two new computers for the office staff.

The following action occurred during Interim Borough Manager Sutton's report:

- Sutton wanted to thank the staff for their continuing efforts in making sure it is business as usual.
- The Work Session on April 19th will also be advertised as a Special Council meeting regarding the Streetscape loan.
- At the May Work Session, the trash contract and recycling efforts will be discussed.

The following action occurred during Chief Sutton's report:

- Everyone received a copy of the Police Department's Report for March 2011.
- Council also received a copy of the Parking Department statistics for March 2011, as well as March 2010 for comparison.
- Councilman Geesey noted that drug offenses appear to be up. Chief Sutton stated that is a difficult area to monitor.

Fire Chief Kelly reported there were 38 calls for service in March, with a \$15,000 property loss for the borough.

The following action occurred during Dr. Luckey's report:

- Due to her absence at the March meeting, Dr. Luckey wanted to thank Council for its contribution to the KCAC. IUP really appreciates the investment the borough has made to the complex, as well as the partnership between the two groups.
- They are meeting regularly with on-going initiatives for the prevention of violence.
- They are working with Jeff Raykes and the Indiana Borough Comprehensive Plan on how we can support one another.
- IUP's graduation will take place on Saturday, May 7th.
- Student Representative Peter Roquemore isn't here this evening, because he is returning from an advocacy meeting in Harrisburg with our legislators.

The following action occurred during President Simmon's report:

- There will be a Walking Tour of the Streetscape Project on Tuesday, April 19th, at 6:00 PM. Simmons stated Council will then come back and discuss the project & CDBG money and vote on approval of the loan. Simmons feels it would be a good idea for everyone to actually see what is being discussed.

The following action occurred during Mayor Hood's report:

- Hood thanked everyone for their attendance at tonight's meeting.
- Hood then welcomed several Boy Scouts from Troop 11, who were working on their Citizen in the Community merit badges.

- Hood asked everyone to remember the military personnel in their thoughts and prayers, as well as the local police officer who was critically wounded recently.

Council adjourned into an Executive Session at 8:00 PM.

Council reconvened into Regular Session at 8:29 PM.

The following action occurred during Unfinished Business:

- There was a motion by Thompson, second by Shively, to approve David Moore's TND conditional use request. Motion Carried.
- There was a motion by Brickleyer, second by Thompson, to adopt a resolution approving the transfer of a liquor license to Steel City Samiches. The vote was 10 yes, and 2 no. Councilmen Hartman and Jobe voted no. Motion Carried.
- There was a motion by Geesey, second by Hartman, to adopt an ordinance regarding temporary sandwich board signs in the C-1 and C-2 Districts. Roll Call Vote: 12 yes. Motion Carried.
- There was a motion by Thompson, second by Jones, to adopt an ordinance amending Ordinance No. 1722 and amending & replacing Ordinance 2006-O5 known as the TND Overlay Zone Ordinance in its entirety. During discussion, Code/Zoning Director Kirk recommended amending the proposed ordinance in regard to parking requirements to not put a minimum in and a maximum of two spaces per three occupants for residential use until we've had an opportunity to evaluate what the market is dictating. Solicitor Kablack didn't see a problem with doing that. There was a motion by Hartman, second by Jones, to approve the amendment. Prior to the vote on the amendment, Councilman Brickleyer stated he would be abstaining from voting on this matter due to his investments. The vote was 10 yes, 1 no, 1 abstained. Councilman Thorell voted no; and Councilman Brickleyer abstained. Motion Carried. During discussion on the original motion, Councilman Hartman questioned whether the Planning Commission should have the final say. In response, Kirk stated the selling point of the TND wasn't that the legislators would have the final say, but that the neighbors would be given notice. Kirk also stated that by changing the maximum parking to 2 for 3, we aren't going to discourage the developer because that is more than what they need. Councilman Brickleyer stated the people making the investment are the ones that have to read the market, and they aren't going to put in parking if they don't need it. Councilman Hartman then voiced his opposition to Section 11.90, which allows a sign of sixty-four (64) square feet in area to be attached to the building. Hartman stated he is tired of seeing all the metal signs. The result of the Roll Call Vote was: 8 yes, 3 no, 1 abstained. Council members Gallo, Geesey, Jones, Kravetsky, Petrosky, Shively, Simmons and Thompson voted yes; Councilmen Hartman, Jobe and Thorell voted no; and Councilman Brickleyer abstained due to his business interests. Motion Carried.
- There was a motion by Thompson, second by Kravetsky, to approve a resolution adopting the Indiana Borough Overlay Zone Design Standards. The vote was 9 yes, 2 no, and 1 abstained. Councilmen Hartman and Jobe voted no; and

Councilman Brickleyer abstained due to his investment interests. Motion Carried.

- There was a motion by Jones, second by Geesey, to accept the agreement between Indiana Borough and UWUA Local #580 as presented this evening. Motion Carried.

The meeting was adjourned at 8:52 PM, upon a motion by Geesey.

MINUTES OF THE SPECIAL MEETING OF THE INDIANA BOROUGH COUNCIL
HELD TUESDAY, APRIL 19, 2011, AT 7:00 PM, IN THE COUNCIL CHAMBERS
OF THE MUNICIPAL BUILDING.

PRESENT: President Simmons, Presiding; D. Peffer, Recording; Council members Bricklemyer, Geesey, Hartman, Jobe, Jones, Kravetsky, Petrosky and Thorell; Mayor Hood; Chief Sutton; Solicitor Kablack; Public Works Director Fairman; Code/Zoning Director Kirk; Asst. Treasurer Sipos; Randy Wells, Indiana Gazette; Maria Miller, Renda Broadcasting; James Golias, of E. G. & G.; Jay Knarr, Hastie Kinter and Betsy Lauber, Downtown Indiana; Representatives of the Indiana County Office of Planning and Development; and several visitors.

President Simmons called the meeting to order, at 7:00 PM.

Pres. Simmons asked for a Roll Call. All Council members were present with the exception of Councilmen Gallo, Shively and Thompson.

Pres. Simmons asked for Public Participation, but there was none.

Pres. Simmons announced that due to inclement weather, the walking tour of the Street Scape Project that was supposed to be held prior to the Special Meeting had to be cancelled. However, James Golias, an engineer with E. G. & G. had still given Council an overview of the next phase of Indiana's Philadelphia Street Revitalization Project, between Fifth and Sixth Streets, which may go out for bids within the next couple of months. A second section of the upcoming phase will be improvements to North Seventh Street and replacement of the leaning retaining wall along Water Street and the deteriorating Vinegar Hill steps, which may go out for bids this fall with construction on that segment to begin in early 2012. Golias explained that the 500 block of the Philadelphia Street corridor will basically get the same enhancements as were installed in the 900 block, which included new sidewalks, decorative street lights, landscaping improvements and new gas & water lines. Overhead utility lines will be moved underground and out of sight, and the street will be milled and resurfaced. Similar improvements are planned for North Seventh Street, but one lane of vehicle traffic may be eliminated to make that area more pedestrian friendly. Golias said the new steps will have a landing at the bottom where pedestrians can more safely wait before stepping out onto the street. Golias said contractors should be able to keep Philadelphia Street open in both directions during the improvements, but some parking restrictions may be necessary. However, Golias wasn't sure Water Street could remain open when equipment is moved in to tear down the leaning wall and excavate the hillside for the construction of the new wall and steps.

President Simmons stated that in order to keep the project moving forward, \$400,000 of the \$1 million state appropriation obtained by Senator Don White, which had been earmarked for the North Seventh Street Segment, could be moved up to the 500 block of Philadelphia Street Segment. The Borough would then obtain a loan to replace that

money when it came time to do the North Seventh Street section, and Senator White has agreed to that proposal.

LuAnn Zak, of the Indiana County Office of Planning & Development, stated that with the federal budget now passed, CDBG funding has been reduced by 16.4% across the board. Indiana Borough received \$249,919 in CDBG money last year, so that could mean a \$40,000 decrease in our 2011 allocation.

The cost of the streetscape improvements for all segments of the project is \$7.1 million. Money for the project came from Indiana Borough, Downtown Indiana (private donors), Indiana County, the Foundation for IUP, the PA Department of Transportation, the state Department of Community and Economic Development and the state appropriation obtained by Senator Don White. Pres. Simmons noted that the \$500,000 contribution from the Foundation for IUP equaled the borough's \$500,000 contribution to the construction cost of the KCAC.

Pres. Simmons reminded Council that they had previously agreed to get a loan from S & T Bank for this project; however, by moving the \$400,000 from Senator White's appropriation, we won't have to borrow it until next year.

There was a motion by Geesey, second by Jones, that Indiana Borough agree to commit the funds necessary to fund the project, not to exceed \$585,900. The vote was 8 yes, 1 no, 3 absent. Councilman Jobe voted no; and Councilmen Gallo, Shively and Thompson were absent. Motion Carried.

The meeting was adjourned at 7:08 PM, upon a motion by Geesey.