

**Meeting Minutes
State College Borough Council
Work Session
December 10, 2007**

The State College Borough Council met in a work session on Monday, December 10, 2007, in the State College Municipal Building Council Room, 243 South Allen Street, State College, PA. Ms. Dauler called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor
Catherine G. Dauler, President of Council
Thomas E. Daubert
Ronald L. Filippelli
Elizabeth A. Goreham
Donald M. Hahn
Craig R. Humphrey
Jeffrey R. Kern

Also present: Thomas J. Fountaine, II, Borough Manager; Terry Williams, Borough Solicitor; Mark Whitfield, Public Works Director; Michael Groff, Finance Director; Thomas King, Chief of Police; Roger Dunlap, Assistant Manager; Thomas S. Kurtz, Assistant Manager; Beth Johnston, Director of Human Resources; Norma J. Crater, Accounting Supervisor; Carl R. Hess, Planning Director; Amy Story, Borough Engineer; Mark S. Henry, Health Director; Sheila Carl, Recording Secretary; members of the media; and other interested observers.

Public hour. There were no comments from the public.

Open Agenda/Projects Report. Mr. Fountaine stated Council was provided with an updated list of projects currently in progress and anticipated as well as a list of upcoming agenda items.

Mr. Daubert questioned when Council would be addressing the amendments to the Administrative Code. Mr. Fountaine stated amendments would be presented at the December 17, 2007 meeting.

Ms. Goreham requested in the coming year Council discuss the problem of feral cats in the Borough and consider enacting an ordinance addressing the problem.

Planning Commission Work Program. Mr. Fountaine stated Council received the Planning Commission work program for 2008 at the meeting of December 3, 2007. At that meeting Council expressed concerns with the proposed update of the Downtown Vision Plan and a proposed master plan for Calder Way. Council was provided with a copy of the proposed work program which is scheduled for approval at the December 17, 2007 Council meeting.

Mr. Kern stated the Downtown Vision Plan is too complex for the Planning Commission and Borough staff to undertake during the coming year and both already have enough tasks to complete.

Ms. Dauler suggested looking at one block of Calder Way and decide on a plan for the area and possible consider additional changes after that initial plan is done.

Anti-Discrimination in Employment Ordinance. Mr. Fountaine stated Council held a public hearing on December 3, 2007 on the proposed Anti-Discrimination in Employment Ordinance. Comments from the public were summarized and provided to Council along with a memo from Beth Johnston. Council was asked to consider the comments made at the hearing and direct staff on how Council wants to proceed. The ordinance is scheduled for final consideration by Council at the December 17, 2007 meeting.

Mr. Filippelli expressed his concerns that combining the Anti-Discrimination in Employment Ordinance and the Fair Housing Ordinance would consume too much of staff's time. He also stated his support for the four employee threshold rather than twenty employees for businesses covered by the ordinance.

Mr. Kern agreed the employee threshold should be lowered to meet the state's standard of four employees. He also expressed concern about the length of time allotted to have a hearing. There is a lot of fact finding that has to be done and enough time needed to be allowed for the proper course to occur, he added.

Mr. Fountaine noted the ordinance provided to Council in the spring provided a threshold of four employees but at that time Council asked a higher threshold. Council agreed the threshold should be four employees.

Council questioned how religious organizations are affected by such ordinances. Mr. Williams explained religious practices are normally broadly defined and as long as the organization is able to show a religious connection it will likely be exempt.

Property Maintenance Code Amendments. Mr. Fountaine stated at the September 24, 2007 meeting the Centre Region Council of Governments General Forum referred the model ordinance for

adoption of the 2006 International Property Maintenance Code (IPMC) to the participating municipalities. The code will update and replace the 2003 IPMC adopted by Council in November 2004.

Council was provided a copy of the proposed ordinance and Mr. Fontaine noted the key changes to the code. Council was also provided with a staff memo providing responses to Council's suggested changes. Council was asked to identify any changes to be made so a final draft can be prepared for consideration at the December 17, 2007 meeting.

Tim Knisely, COG Fire/Housing Inspector, attended the meeting to address Council's concerns.

Council questioned the type of ladder to be accepted as a second floor emergency egress option as referred to in Section 702.5.2. Mr. Knisely explained the ladder does not need to be permanently affixed to the dwelling and could be a ladder that releases from the window to the ground. When the ladder is needed a lever is depressed releasing the ladder for use. Mr. Daubert expressed concerns that elderly and overweight people may have trouble using this type of egress during a fire.

Council also questioned the requirement for self closing doors. Mr. Knisely stated self closing doors are based on occupancy and are required for multi-family buildings with 30 people or more. Single family homes and duplexes do not have this requirement, he noted.

West End Capital Improvements. Mr. Fontaine stated the Borough's contract with Delta Development/EDSA consulting team requires the team to prepare a detailed capital improvement plan for the West End that includes recommendations on the timing of the improvements, budget estimates, and funding sources. When the capital improvement plan is finalized, it will be included as an addendum in the CIP.

Chris Johnston, Karen Dickenson, and Nathan Garman with Delta Development Group attended the meeting to present to Council suggested capital improvements for inclusion in Council's budget process.

Mr. Garman reviewed the proposed projects and the time frames associated with the projects.

Mr. Daubert questioned why the Borough should contribute monies for the west campus drive extension on Penn State property. Ms. Dickenson explained if the project were done by both the University and the Borough the project would be eligible to receive grant monies.

Mr. Kern stated Penn State should be asked to contribute to the West End Revitalization Project.

Council also questioned the Traffic Engineering Study proposed for 2008 to 2009. Mr. Johnston stated this title is misleading and the review of the parking situation would be more accurate. The flow of traffic will be considered to determine how to best utilize parking in the area. Mr. Johnston added the study would also include the review of safety measure for pedestrians in this area.

Mr. Hahn stated his support for the proposed bike lanes on the North/South corridors.

Council suggested a project be initiated in 2008 so property and business owners can see that something is being done. Mr. Johnston stated the bike lanes are a low cost project and would show citizens that progress is being made.

Mr. Fontaine stated staff would prepare an amendment for the Capital Improvement Program to be considered at the December 17, 2007 meeting.

Discuss Downtown Amenities. Mr. Fontaine stated this item was added to the agenda by request of Council Member Elizabeth Goreham to discuss the area around Hiester Street for changes that could add pedestrian friendly uses to the alley and encourage commercial development in the Hiester Street area.

Ms. Goreham stated the zoning has changed in this area and the use of this area for pedestrians and the existing outside dining areas should be encouraged and a Vision Plan for Calder Way should be considered.

Mr. Kern cautioned development beyond what already exists in Calder Way. This area is used daily by delivery and garbage trucks and further development may not be appropriate for this area, he added.

Request from House of Care. Mr. Fontaine stated CDBG staff recently met with Neill Johnson, President of the Board of Directors of House of Care (HOC). Mr. Johnson indicated the board is struggling to raise funds to continue operating. The HOC board of directors voted to request two actions by the Borough. HOC is requesting Council allow it to expand its current admissions policy which limits its clients to persons with a "terminal illness" to permit it to accept residents with conditions consistent with the Department of Public Welfare's (DPW) definition of a "personal care home". Council was provided with a memo prepared by staff explaining the admission policy change. The change would enable HOC to serve more clients and therefore receive additional funds for operations.

Mr. Fontaine stated HOC has also requested the Borough Council reimburse the HOC for local real estate taxes on its property located at 515 W. Beaver Avenue over the next five years. This would help the HOC to control its costs and regain its footing.

Mr. Fontaine stated staff recommended the approval to expand the admission policy but stated staff has not yet reviewed the legal and financial issues involved with forgiving the real estate tax.

Council agrees to allow flexibility on the admission policy but would like to review the request regarding the local real estate taxes.

Mr. Welch questioned if the issues with HOC and the IRS has been resolved. Mr. Johnson stated the HOC has negotiated the penalties down to \$12,000 and have worked out a repayment plan.

Mr. Fontaine stated the necessary paperwork would be prepared for Council to approve the change in the admissions policy and staff would review the request regarding the local real estate taxes.

2008 Operating Budget. Mr. Fontaine stated Council should discuss the budget and any changes and/or additions to the budget. The budget is scheduled for approval at the December 17, 2007 meeting, he noted.

Mr. Hess presented the budget for the Planning Department.

Mr. Hess explained in August 2008 the planning technician position would become a full-time position as original budgeted. The budget also included \$3,000 for a Historic Resources Commission intern.

Mr. Hess also stated a new Economic Development Planner is budgeted for the Redevelopment Authority (RDA) and the RDA, a new fund in 2008, will be funded by a transfer from the Capital Projects Fund.

Mr. Fontaine explained the monies for the RDA will be distributed over a two year time span and it comes from savings of the Planning Department and from the Fraser Street property sale. This money will provide funding for four years until the RDA is able to develop some type of cash flow.

Ms. Dauler stated five of the Council members are unable to attend the work session scheduled for December 14, 2007 and asked Council members to make suggestions for budget revisions at tonight's meeting.

Mr. Fontaine reviewed with Council a memo prepared for Council answering all the 2008 budget questions to date.

Ms. Goreham provided a handout to Council with suggestions on how to cut the budget. Some suggestions included eliminating the Public Information Officer and Administration MPA intern positions as well as cutting the funding to the RDA staff. She warned Council and staff to be cautious of expenditures.

Mr. Daubert agreed with Ms. Goreham's suggestion to cut the Public Information Officer and stated this job does not require a full-time employee.

Ms. Dauler stated she was in favor of the budget as presented and felt cutting the budget this year would only result in the same budget dilemmas next year.

Mr. Fontaine said staff would rework figures for the December 17, 2007 meeting.

There being no further business, the meeting adjourned at 9:50 p.m. to an executive session to discuss personnel matters.

Respectfully submitted by:

Cynthia S. Hanscom
Assistant Borough Secretary