

Meeting Minutes
State College Borough Council
December 17, 2006

The State College Borough Council met in a regular meeting on Monday, December 17, 2007, in the State College Municipal Building Council Chambers, 243 South Allen Street, State College, PA. Mr. Welch 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: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, Borough Manager; Thomas S. Kurtz, Assistant Borough Manager; Roger A. Dunlap, Assistant Borough Manager; Mark S. Henry, Health Officer; Carl R. Hess, Director of Planning; Mark Whitfield, Director of Public Works; Amy J. Story, Borough Engineer; Thomas R. King, Chief of Police; Beth A. Johnston, Director of Human Resources; Michael Groff, Finance Director; Norma J. Crater, Finance Supervisor; Cynthia S. Hanscom, Assistant Borough Secretary; members of the media; and other interested observers.

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

PUBLIC HOUR

Presentation of Community Impact Award. Al Snider, representing the American Cancer Society, presented the Borough Council with the American Cancer Society Community Impact Award. He said the award was in recognition of Council's support for efforts to restrict tobacco use in the work place. Currently there are 200 restaurants in the State College area that are smoke free and the number continues to rise. He said he hoped the state legislature would move forward with clean indoor air legislation in the coming year.

Citizen Recognition. The State College Police Department recognized Heather J. Rosenberg for her assistance in identifying an attempted murder and rape suspect earlier this year. In the early morning hours of July 4, 2007, a woman was viciously assaulted and raped in the Borough. Mr. King presented a certification of appreciation to Ms. Rosenberg for her willingness to step forward in identifying a suspect and testifying at a preliminary hearing, knowing the violent nature of the suspect. Because of her quick action and her ability to provide a detailed description, the suspect was detained until a positive DNA match could be obtained. Mr. King acknowledged Detective Christopher Weaver, and Officers Chris Albright, Mark Rhoads, and Nick Argiro for their assistance in detaining the suspect and their quick thinking in helping to solve this crime.

Mr. Welch asked if there were others who wished to comment during the public hour. Pat Vernon, 900 Walnut Spring Lane, thanked the departing incumbents, Ms. Dauler, Mr. Kern, Mr. Humphrey and Mr. Daubert, for serving on Borough Council. He urged this Council and the next to support the organization of a task force of citizens to seek methods for the consolidation of governments within the Centre Region. He noted this was studied in the past but there were issues, such as affordable housing, that would be better served on a regional basis.

Alex Weller, College Libertarians of Penn State, encouraged Council to support the rights of businesses and business owners in the Borough. Many of the actions passed by Council are anti-business, such as an anti-smoking ordinance. He stated he believed an anti-smoking ordinance would violate the rights of owners of bars and restaurants to run their establishments as they see fit, and the evidence for second-hand smoke causing cancer is inconclusive.

Mr. Weller also encouraged Council to make students a protected class in the State College Borough. There are many incidents that occur where Penn State students have been discriminated against by the local business community.

CONSENT ITEMS

Mr. Hahn moved and Ms. Dauler seconded a motion to approve the following consent items. The motion passed unanimously.

- Approve Vouchers for the month of November 2007 for the Borough of State College in the amount of \$2,174,749.66.
- Appoint or reappoint the following individuals to various Authorities, Boards and Commissions:

Authorities Board	Gerald B. M. Stein	Reappointment	December 31, 2012
Board of Health	Marcia B. Patterson	Reappointment	December 31, 2012
Water Authority	Albert R. Jarrett	Reappointment	December 31, 2012
CDBG Citizens Advisory Committee	Mark H. Bergstrom	Reappointment	December 31, 2011
	Connie Randolph	Reappointment	December 31, 2011
Civil Service Commission	Philip A. Klein	Appointment	December 31, 2013
Design Review Board	Zoe E. Boniface	Reappointment	December 31, 2011
	Lara D. Kauffman	Reappointment	December 31, 2011
State College Planning Commission	Anne Bolser	Reappointment	December 31, 2011
	Charles Gable	Reappointment	December 31, 2011
	Michael Roeckel	Appointment	December 31, 2011
	Cindy Carpenter	Appointment	December 31, 2010
Rental Housing Revocation Appeals Board	Paul G. Knight	Reappointment	December 31, 2010
Transportation Commission	Eric A. Hirsch	Reappointment	December 31, 2011
	Paul P. Jovanis	Reappointment	December 31, 2011
	Jack Schreck	Appointment	December 31, 2011
	David Hill	Reappointment	December 31, 2011
	Justin Baker	Appointment	December 31, 2009
Tree Commission	Ken Tamminga	Reappointment	December 31, 2010
	Marc E. McDill	Reappointment	December 31, 2010
Zoning Hearing Board	Stanford Lembeck	Appointment	December 31, 2010
Schlow Centre Region Library Board	Nancy Kranich	Appointment	December 31, 2010
State College Community Land Trust	Craig R. Humphrey	Reappointment	December 31, 2010

- Approve a License Agreement with Calder Joint Venture for Rotelli Restaurant to install an exterior door to comply with fire code regulations.
- Reject the bid for one (1) 2008 model 11,400# GVW dump truck with snow plow and tailgate salt spreader submitted by Tri Star Ford of McKeesport, PA, and authorize staff to purchase the chassis for the truck off of the Pennsylvania state contract (at a cost of \$23,590.86) and the dump body off of the City of Harrisburg's PACC contract (at a cost of \$35,102.00).
- Reject the bid for two (2) 2008 model 11,400# GVW dump trucks with central hydraulics submitted by Tri Star Ford of McKeesport, PA, and authorize staff to purchase the chassis for the trucks off of the Pennsylvania state contract (at a cost of \$23,590.86 each) and the dump bodies off of the City of Harrisburg's PACC contract (at a cost of \$25,292.00 each).

Approval of Minutes. Ms. Dauler moved to approve the minutes for November 2, November 5, and November 9, as written, and approve the November 19 minutes with a change on Page 338, sixth paragraph to clarify that the “. . . executive session held prior to the meeting to discuss personnel matters.” Mr. Hahn seconded the motion, which passed unanimously.

GENERAL POLICY AND ADMINISTRATION

2008 Operating Budget. Mr. Fontaine said the proposed 2008 budget was presented to Council on November 9, and was made available for public inspection immediately following its presentation to Council. At the public hearing held on December 3 one person spoke on the budget. Several additional work sessions were held for Council to discuss the budget.

Expenditures for all funds after adjustments for Interfund Transfers are \$30,124,373.00 as follows:

General Fund	16,915,155
Capital Project Fund	1,683,663
Refuse Fund	2,977,969
Compost Operations	897,650
Sanitary Sewer Fund	4,842,476
Parking Fund	2,866,110
Highway Aid Fund	870,940
Bellaire Court Fund	83,470
Bus Terminal Fund	34,715
Inter-Fund Transfers	(1,047,775)
Total Expenditures	\$30,142,373

Mr. Fontaine said the General Fund budget is balanced with revenues of \$16,344,105 which includes a \$571,050 transfer from the unreserved fund balance, and expenditures of \$16,915,155. The General Fund Budget as presented for adoption tonight reflects a reduction of \$84,000 in expenditures and an increase in revenue of \$20,000 over the originally published budget, he concluded

Mr. Fontaine also stated the Earned Income Tax and Real Estate Transfer tax rates remain unchanged. The Real Estate Tax rate is increased 1.25 mills to 11.285. This budgeted increase is comprised of .87 mill shift from the Emergency Municipal Services Tax as a result of the state legislature's amendments to this tax during 2007; a .27 mill increase for Regional Parks and Pools, and a .11 mill increase in the operating budget.

Mr. Fontaine noted that Council establishes discount and penalty amounts for the payment of Real Estate Taxes. For 2008, it is proposed to continue the discount of 2 percent for payment of Real Estate Taxes paid within two months after the date of the tax notice, and the penalty of 10 percent for failure to make payment within four months of the tax notice.

Mr. Fontaine reminded Council that they asked the Capital Improvement Program be amended to reflect the recommendations from Delta/EDSA, the consultants for the West End Revitalization project. This amendment results in a reduction of the programmed costs for the West End Capital Improvements from \$6,045,000 to \$2,845,000. A total of \$480,000 is programmed for West End Capital Improvements in 2008.

As part of the 2008 Budget adoption process, Mr. Fontaine stated, Council must approve a pay plan for non-union employees, set the Manager's salary, and establish member contributions for both the Police Pension Plan and the non-uniformed employee's pension plan. The pay plan is incorporated in the Budget and represents an across-the-board cost-of-living adjustment of 3.5 percent for non-union workers.

Mr. Fontaine explained that both the General Government Pension and the Police Pension would require Council's authorization for contributions by participants. During 2008, it will be necessary to establish the General Government Employees' Pension contributions for current employees at 4 percent. The Police Pension Ordinance requires contributions by Police Pension participants whenever an actuarial study shows that such funds are needed to maintain the soundness of the fund. Based on the actuary's advice, it will be necessary to establish Police Pension contributions for current employees at 5 percent in 2008.

Mr. Fontaine explained that in 2008, in order to prevent the continued depletion of reserves in the Refuse Fund, Council is being asked to approve an ordinance to increase the refuse fees starting in 2008. The rate increase is 10% for residential customers and 7% for commercial customers.

Finally, Mr. Fontaine stated, the 2008 Operating Budget includes the Regional Programs and COG budget. Last month, Council reviewed the proposed 2008 COG budget and, at the General Forum meeting in November, the budget was forwarded to participating municipalities for adoption. For 2008, the COG budget totals \$19,646,404.00, of which \$1,326,733.00 is to be funded by the Borough of State College.

Mr. Kern moved to enact Resolution 951 adopting the 2008 Operating Budget and appropriating the sums as listed above for the purposes specified during 2008. Ms. Dauler seconded the motion.

Ms. Goreham distributed a proposal for reducing the tax increase by .5 mills. She proposed to reduce the 2008 Operating Budget by cutting the \$95,000 for the proposed public information officer and the administration MPA intern. She also proposed removing \$200,000 from the \$299,000 budgeted transfer of funds for the new planning staff person dedicated to the Redevelopment Authority. The remaining \$99,000 would be used to fund and hire an employee for 2008 to work with the Redevelopment Authority. Ms. Goreham moved to amend the main motion with her proposal. Mr. Daubert seconded the amendment.

Mr. Humphrey commented that he could see some real benefit in having a public information officer and would not want to see that position removed from the budget. Mr. Kern said he was opposed to

the removal of the MRA intern; this position would provide much needed assistance with transportation issues. He said he also believed that removing the personnel cost from the RDA was a mistake and it would need to be budgeted in future years.

Ms. Goreham agreed that it would be nice to be able to afford these positions but even with these cuts, there is still a need to transfer money from savings to balance the budget. She said she believed Council needed to exhibit fiscal responsibility and a tightening of the budget. Transferring from reserve is necessary but the amendment proposed would allow taxpayers not to bear the brunt of the additional expenses.

Ms. Dauler commented that the tax increase per household would be minimal and believed the budget prepared by staff should be approved.

Mr. Daubert said he supported Ms. Goreham's amendment because he believed it was necessary to cut the operating budget. He said the position for public information officer would have no real duties and the full-time position is not needed. Also, the administrative intern position would be helpful if there are pending projects but there are none. Both of these positions are not needed at this time. He also stated the RDA needed to be funded but it was not necessary to fund it entirely in 2008.

Mr. Filippelli also supported Ms. Goreham's amendment. Although he did not believe it was a frivolous budget, he agreed that it was appropriate for this Council to set priorities. The amendment identifies non-essential additions to the operating budget without cutting services to citizens. It was important to send a message to the citizens that, although this Council was not set on "no tax increases," Council members believed it was important to maintain the level of public services that is expected.

Mr. Hahn agreed that it was not a matter of merit but rather a question of priority. Council members needed to be cognizant that the budget is growing and it is expected to grow in the future; therefore, it was unrealistic to think that there would not be a tax increase. It was important to take a strong look at the pace of growth in relation to revenues and expenditures.

Council voted on the amendment proposed by Ms. Goreham. The vote was 4-3-0, with Ms. Dauler, Mr. Humphrey, and Mr. Kern opposed. The amendment passed.

Council then voted on the main motion to approve Resolution 951 with the following amended appropriations:

General Fund	\$ 16,815,778.00
Capital Project Fund	1,483,663.00
Refuse Fund	2,977,969.00
Compost Operations	897,650.00
Sanitary Sewer Fund	4,842,476.00
Parking Fund	2,866,110.00
Highway Aid Fund	870,940.00
Bellaire Court Fund	83,470.00
Bus Terminal Fund	34,715.00
Adjustment for Inter-Fund Transfers	(1,047,775.00)

The vote on the motion was 4-3-0 with Ms. Dauler, Mr. Humphrey, and Mr. Kern opposed. The motion passed.

Next, Council considered the amended pages to the 2008-2012 Capital Improvement Program (Pages vii, 1, 8, 22, 24, 56, 57, and 66. Mr. Filippelli moved to approve the amended pages reflecting recommendations made by the West End consultants. Ms. Dauler seconded the motion.

Mr. Hahn noted that he would be voting against this motion because of the procedure. The capital improvement approval process solicits opinions from the Planning Commission and the public, which has not been done for these amendments. He would prefer to defer approving the amendments until comments can be obtained. Mr. Fountaine said staff could forward the information back to the Planning Commission and other agencies. He said he believed this West End project is significant and high profile and was ready for approval. Mr. Hahn stated that public input was necessary before approving.

Mr. Daubert indicated he had concerns with approving expenditures beyond 2008. The 2009 proposals should only be recommendations. Mr. Fountaine noted that Council would be reviewing proposed expenditures for 2009 as part of the Capital Improvement Program review process in 2008. Also, Council would need to approve the expenditure of each project.

Council voted on the motion to approve the amended Capital Improvement Program pages. The vote on the motion was 5-2-0, with Ms. Goreham and Mr. Hahn opposed.

Next, Council considered the resolution to approve the pay plan for 2008. Mr. Humphrey moved to approve Resolution 952 setting the rate of pay for 2008. Mr. Kern seconded the motion, which passed with a 7-0-0 vote.

Council considered Resolution 953, establishing member contributions to the General Government Employees' pension fund at 4 percent. Mr. Hahn moved and Mr. Kern seconded a motion to approve the resolution. The motion passed unanimously.

Council reviewed Resolution 954 to establish member contributions to the Police Pension Fund at 5 percent for 2008. Mr. Kern moved to approve the resolution. Mr. Hahn seconded the motion, which passed with a 7-0-0 vote.

Council considered a resolution to increase refuse fees. Mr. Humphrey moved to enact Ordinance 1884 to increase fees. Mr. Kern seconded the motion. The motion passed with a 6-1-0 vote, with Mr. Daubert opposed.

Council voted on Ordinance 1885 to set the tax discount at 2 percent for payment of real estate taxes paid within two months after the date of the tax notice, and the penalty of 10 percent for failure to make payment within four months of the tax notice. Mr. Daubert moved to enact the ordinance and Ms. Dauler seconded the motion. The motion passed with a 7-0-0 vote.

Council then approved the 2008 COG budget, in amount \$19,646,791.00, and appropriated \$1,326,733.00 as the Borough's share to support it, with a motion made by Mr. Daubert and seconded by Mr. Kern. The motion passed with a 7-0-0 vote.

Lastly, as part of the budget approval, Council voted on the ordinance fixing the Real Estate Tax rate for 2008 at 10.540 mills, an increase of .505 mills. Mr. Daubert moved to enact Ordinance 1890. Mr. Hahn seconded the motion, which passed with a 7-0-0 vote.

Property Assessments for the Downtown State College Improvement District. Mr. Fontaine reminded Council that every year it is necessary for Council to enact an ordinance to establish millage rates for the assessment of properties located within the downtown Neighborhood Improvement District. The millage rates for 2008 are the same as those assessed for the past six years. Approximately \$334,883.00 will be generated from the assessment of 388 properties within the district.

Ms. Dauler moved to approve Ordinance 1886 establishing the amount and methods for assessing properties within the downtown. Ms. Goreham seconded the motion. The motion passed with a 7-0-0 vote.

Retainer for the Borough Solicitor. Mr. Fontaine said the Solicitor's retainer has been adjusted annually since 2001. To keep the retainer current, it is recommended that small adjustments be made on a routine basis. He noted the Solicitor's current retainer of \$34,309.00 covers all legal matters for the Borough with the exception of actual litigation and legal work related to municipal bonds and other debt instruments.

Mr. Hahn moved to approve Resolution 955, setting the retainer for 2008 at \$35,338.00 per year, a 3% increase. Mr. Humphrey seconded the motion, which passed unanimously.

Anti-Discrimination in Employment Ordinance. Mr. Fontaine said that Council held a public hearing on December 3 on the proposed Anti-discrimination in employment ordinance and discussed the public comments at their work session of December 10. Concerns were expressed with the different categories listed in the Fair Housing Ordinance versus the Anti-Discrimination Ordinance. Council asked that this ordinance be scheduled for final consideration at this meeting. Early in 2008, Council may consider an amendment to the Fair Housing Ordinance to match up categories and add public accommodations, he concluded.

Ms. Goreham expressed concern with the voluntary mediation. If unsuccessful, the complainant must file a suit in the Court of Common Pleas. She said she believed this would politicize the matter. Mr. Fontaine said the ordinance before Council is based on the existing ordinance in West Chester, Pennsylvania. Council has the ability to expand the procedures for all cases if they chose to do so but it could not occur on an individual case basis.

Mr. Kern asked for an explanation on the exemption for sectarian organizations. Mr. Williams replied that it includes religious and fraternal organizations. Mr. Kern asked if a religious organization participates in non-religious activity, could an employee who believed they were discriminated against pursue a complaint. Mr. William said, if the activity is non-religious and non-sectarian, the ordinance would apply, even if the organization itself is religious or sectarian. He noted the activity is the shield, not the organization. For example, if a church operates a general school, the proposed ordinance would apply.

Mr. Hahn moved to approve Ordinance 1887, titled "Anti-Discrimination Ordinance." Ms. Dauler seconded the motion. The motion passed with a 7-0-0 vote.

Amendments to the Administrative Code. Mr. Fontaine reminded Council that at the November 2 meeting Council received a proposed ordinance with recommended changes to the Administrative Code. The changes are needed to bring the code up to date based on previously approved and implemented changes. Council discussed the proposed ordinance at the December 7 work session.

At the work session, the discussion focused on 5 points. Changes have been made to the proposed ordinance to incorporate Council members' comments as follows:

- The title "Department of Neighborhood Services" has been revised to "Department of Ordinance Enforcement and Public Health"
- A section has been added to make all of Parts H. and J. gender neutral
- The word "inimical" has been replaced with "harmful." Section H.807.a(2)
- The phrase "recommending selection" has replaced "selection" in the duties of the Human Resources Director.
- The existing language of the current administrative code establishing a residency requirement has been left unchanged.

Mr. Kern moved to enact Ordinance 1888 to amend the Administrative Code. Mr. Humphrey seconded the motion, which passed with a 7-0-0 vote.

REGIONAL ISSUES

COG: Alternate Delegate Voting Rights – 2008. Mr. Fontaine said that every year, each COG municipality is asked to affirm or change their policy regarding alternate delegate voting rights at COG's standing committee meetings. Once established, the policy remains in effect throughout the year. Council's policy has been:

"Any State College Borough staff member or Council member, in attendance at a COG standing committee meeting, who is attending in lieu of the representative designated to attend and has been appointed by that representative, has the power to vote on behalf of State College Borough Council."

Mr. Kern moved to approve the policy for 2008. Ms. Goreham seconded the motion, which passed unanimously.

Property Maintenance Code Amendments. Mr. Fontaine reminded Council that 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. This code will update and replace the 2003 IPMC adopted by Council in November 2004.

Mr. Fontaine said staff prepared an ordinance for Council consideration that incorporates both the model ordinance referred by COG and the additional changes proposed by Borough staff. Council discussed the ordinance at the December 10 work session and identified two more possible changes.

The first change assigns authority to the Assistant Manager, upon recommendation of the Code Official or the Health Officer, to suspend a rental housing permit. Appeals of this action go to the Borough Manager. Council members appeared to concur with this change and it has been incorporated into the ordinance proposed for action by Council.

Mr. Fontaine said the second change is the removal of the provision for rentals in two story one- or two-family homes higher than 20 feet that a permanently attached ladder, approved for use by the Code Official, may be used to provide the second means of egress from the second story. Council did not reach a conclusion on this provision. It is still included in the ordinance proposed for action by Council. If Council wishes to remove this provision, he advised, the motion should be to approve the ordinance with the deletion of the provision in section 702.5.2 which provides for use of a permanently attached ladder to fulfill the requirements of this section.

Mr. Fontaine noted that 702.5.2 requires retrofitting of all existing properties by August 15, 2008. This deadline was originally August 15, 2007, but was extended with the concurrence of the COG Code Administration Committee while review of the 2006 Property Maintenance Code was under way. If the permanent ladder provision is removed then all properties must comply by (1) constructing an escape stairway, (2) installing sprinklers, (3) raising the level below the window to less than 20 feet, or (4) not renting the property.

Mr. Fontaine said that, in addition to the ordinance, Council should adopt a Resolution that establishes the rental housing permit rates as authorized by the ordinance (Section 103.5).

Mr. Kern moved to enact Ordinance 1889 and Resolution 956 as prepared by staff. Mr. Humphrey seconded the motion.

Mr. Daubert moved to amend the motion to delete 702.5.2 as it refers to permitting the use of a permanent ladder as a second means of egress. Mr. Hahn seconded the motion.

Mr. Kern noted that there were approximately 120 properties that have second story windows above 20 feet. He asked if passing this regulation would be a form of taking by denying the property owner the right to use the property. Mr. Williams noted that if the alternative means of complying with the codes is reasonable in costs than it would not be considered a taking. He said he believed it would

be a stiff test for a property owner to show that it was a taking. The alternatives are to provide sprinklers, add an exit stair, raise exterior elevation, remodel the space or not rent the space. He noted the court would consider the reasonability of those alternatives.

Ms. Dauler asked how a property owner would raise the elevation level below a window. Mr. Kurtz explained that if the window was 21 feet above grade, for example, the property owner could place one foot of fill dirt below the window area to raise the elevation. Ms. Dauler stated she had concerns with an exit stairway because the exterior stair is not always an enhancement to the appearance of the home.

Mr. Hahn commented that he was not prepared to vote on this proposal until he knew how many properties would be affected.

Mr. Kern said that Council should remember that the Code Administration office has worked with the Water Authority to allow property owners to provide sprinkler systems on the same water connection as the primary residence. This saves the property owner a substantial amount of cost because they no longer need to install a separate water line and pay the tapping fee or a sprinkler system.

Mr. Daubert commented there were safety considerations when considering ladders. This may be appropriate for 18-20 year olds but not for 80 year olds. Many people would not be able to use the ladder. Also, if an individual is not calm, which is usually the case in a fire, a person may fall when using the ladder. He believed the ladder would provide a false sense of security for the residents.

Mr. Filippelli said the point of the ladders is to provide safety for the renters. Although aesthetics are an issue, the point is to provide the maximum protection for the renter. He agreed that the ladder may be the most economical but may not be the safest.

Mr. Kern stated that, as a member of the Code Committee, he received a presentation on ladders and all the members of the committee were impressed and felt that climbing down was better than jumping. The ladders were strong and solid and provided a reasonable alternative. He suggested the Code Administration staff provide the video on the ladder escape route for Council.

Council voted on the amendment to remove the provision for providing a permanent ladder as a second means of egress. The vote was 4-3-0, with Ms. Dauler, Mr. Kern and Mr. Hahn opposed.

Council then voted on the main motion to approve the amended property maintenance code amendments, Ordinance 1889. The motion passed with a 7-0-0 vote.

CRCA Rental Housing/Property Maintenance Code Program. Mr. Fontaine explained the Centre Region Code Administration (CRCA) program provides code enforcement for the International Code Council family of building and related codes. These codes, with one exception, are incorporated in the Pennsylvania state-wide Uniform Construction Code. The one code not included in the state-wide code is the Property Maintenance (PM) Code. The PM code is administered in the Centre Region as the Rental Housing Program of CRCA.

Mr. Fontaine reminded Council that at the November 7 work session Mr. Kern announced that he was planning to make a motion to withdraw from the Rental Housing Program of CRCA effective December 31, 2008, and to assign this work to Borough staff. The agreements establishing the CRCA and the regional appeals board programs require 12 months notice and allow withdrawal only at the end of a calendar year. If Council wishes to consider action effective at the end of 2008, this meeting is the last opportunity to do so. Significant study and analysis of the costs, organizational capacity and other factors related to the borough assuming responsibility for this program will need to be completed early in 2008. This study should be completed by the end of May 2008 so that (1) COG, CRCA and our fellow municipalities may make plans for the future of the regional program; and (2) the Borough can recruit additional qualified staff to begin on January 1, 2009, Mr. Fontaine concluded.

Mr. Kern moved to enact Ordinance 1891 to withdrawal from the property maintenance inspection and rental housing appeals board programs with CRCA, effective December 31, 2008, and authorize the aforementioned study. Mr. Humphrey seconded the motion.

Mr. Kern mentioned that this recommendation did not come lightly. He believed there was a great deal of duplication between what is done by the Borough with enforcement staff and the code inspectors. It is confusing for landlords and renters.

Mr. Daubert agreed that there are many mixed signals. He believed this would provide an opportunity to study the coordination efforts. He moved to amend the motion to add that the study be completed no later than May 1, 2008. Mr. Hahn seconded the motion. The vote on the amendment was 7-0-0; the motion passed.

Mr. Hahn said he had no reason to withdrawal from Code Administration except for the opinion of the two representatives that have served on the Code Committee. However, given that there would be 12 months notice he would keep an open mind during the process.

Mr. Vernon said that several years ago when the housing inspection program was proposed, the Centre Region Code office proved that they could do it much cheaper than by Borough staff. There are more than 10,000 rental units in the borough and only 200 working days. The additional costs involved with hiring inspectors would require more space and vehicles. The Borough is not in the best financial shape; it could be perceived that more income could be derived from raising the permit fees as a form of generating income, which he did not believe was a good idea. He noted that too many people look at rental housing as student housing, which is not the case. As the Borough raises the costs of permit fees, working people may be driven out of the Borough, which could lower the Borough's earned income tax. Mr. Welch noted that the Borough was going to study the issue at this point.

Mr. Kern said the inspection fees are generated to cover the cost of inspections. The program is currently self-funded program and he anticipated that the program will continue in that way. He said he did not see this as a means of generating income.

The vote on the main motion to approve Ordinance 1891 and authorize the study was approved with a 7-0-0 vote.

Council recessed the meeting and reconvened at 9:15 p.m. Mr. Welch left the meeting.

PLANNING AND COMMUNITY DEVELOPMENT

Intergovernmental Agreement for the Planning Office to Provide Affordable Housing Services to Harris Township. Mr. Fontaine said that earlier this year Council received several presentations on efforts to promote affordable housing in the Centre Region and Centre County. As part of the efforts to encourage development of affordable housing in the Centre Region, planning staff has been working to develop an agreement with Harris Township to provide affordable housing services to the township on a fee-for-services basis. To enable the Borough to provide the assistance outlined in the agreement, it is necessary to enact an ordinance.

Mr. Hahn moved to enact Ordinance 1892 to approve the agreement and authorize the President of Council to sign on behalf of the Borough of State College. Mr. Daubert seconded the motion. The vote on the motion was 7-0-0; the motion passed.

Planning Commission Work Program. Mr. Fontaine reminded Council the 2008 Planning Commission work program was presented to Council on December 3, 2007. Council discussed the proposed work program at the December 10, 2007 work session. Concern was expressed on both occasions with items 8 (Calder Way master plan) and 14 (assess and update the Downtown Vision and Strategic Plan).

Mr. Kern moved to approve the 2008 Planning Commission work program excluding items 8 and 14. Mr. Humphrey seconded the motion.

Ms. Goreham reminded Council that they may still want to ask the Planning Commission to review the 300 block of East Calder Alley.

Mr. Hahn said he believed the work program should be approved without exclusion. He trusted the Commission knew the planning needs and was asking Council to be able to address those needs.

Mr. Daubert said Council was not going to approve the update of the downtown plan because there were tasks assigned with the implementation of the plan that were not complete; the Commission should concentrate their time on other items. Ms. Dauler agreed, stating that the Commission should complete the work tasks from the plan.

Ms. Goreham said she supported the Planning Commission's desire to re-look at the plan. The Commission is Council's eyes and ears in regards to zoning matters, she commented.

Council voted on the motion to approve the plan with the two items excluded. The vote was 6-1-0, with Mr. Hahn opposed.

West End Zoning. Mr. Fontaine reminded Council that in July 2007 the Borough contracted with the consulting team of Delta Development Group and EDSA to complete the initial five implementation tasks in the West End Revitalization Plan. One of these tasks is the preparation of new zoning and design standards for the West End. These documents will replace the Urban Village zoning regulations that currently manage development and redevelopment in the urban village. He emphasized that the zoning regulations are still in draft form and are subject to further modification. The Planning Commission will begin its review of the draft regulations at its December 20, 2007 meeting, he concluded.

Mr. Fontaine added that staff and the consulting team have not completed an in-depth review of the design guidelines. He said staff believes some of the design guidelines are actually standards that may be shifted to the zoning regulations and that there is some duplication within the guidelines and zoning that can be eliminated in the final guidelines. Thus, he advised that, as Council reads through the design guidelines, the members should bear in mind that this document is in a very preliminary form and changes will be made before adoption.

Karen Dickenson, Delta Development, noted that Council had received two draft documents. One was the West End traditional neighborhood development (TND) zoning regulations and the second was the manual of design guidelines. The guidelines would be incorporated into the subdivision regulations, she added.

Ms. Dickenson explained the zoning is form based, meaning that there is a greater emphasis on form rather than specific use. The purpose of the TND district is to allow development and redevelopment consistent with the objectives of the revitalization plan. The proposed zoning would encourage mixed uses while maintaining a strong residential and pedestrian character. There would be three subdistricts, each with varying goals. There would be higher density in the northern tier, medium density and supporting mixes uses in the center tier, and lower density uses in the southern tier. The zoning would include inclusionary housing standards to support the Centre Region Comprehensive Plan for housing and the mission of providing safe and affordable housing that is compatible with the natural environment. The zoning would also include a historic overlay which is not a restrictive Act 167 district but would provide for the historical character of the area to be protected.

Ms. Dickenson also commented on the design guidelines, stating that the purpose was to strengthen the character of the neighborhood by encouraging consistency and compatibility of design. The same tiers referenced in the zoning standards are used in the guidelines. Each of the guidelines are accompanied by photographs of existing conditions or similar towns to illustrate the guide. The guidelines address transportation issues, such as parking and pedestrian concerns, as well as signage and landscaping issues.

Mr. Daubert commented that he had not had the chance to go over the documents in great detail. He asked that he be permitted to submit comments in writing over the next few weeks.

Mr. Kern commented that the guidelines contain language such as "shall be permitted or are not permitted." If this document is codified within the subdivision regulations, these "guidelines" would become mandates.

Mr. Hahn noted that some of the large industrial buildings in the urban village had been converted to multi-unit housing. This ordinance limits the maximum number of units to four. Mr. Slaybaugh commented that more than four dwelling units would be permitted with a larger lot size.

Ms. Goreham asked if the proposal was still to have the Borough vacate the alley ways so that parking areas could be maneuvered. Ms. Dickenson replied that was part of this proposal.

John Simbeck, 601 Enterprises, commented that a lot of money has been spent on the West End to date without a single project being done to develop the streetscape or help a single business. He referred to an article submitted to Council on form based zoning, which appears to recommend throwing out the old zoning. However, he asked Council to be cautious that the existing businesses are not lost in the purge. Many of the buildings look like they do because there are problems that may not be fixed with this ordinance. He also noted the "traditional neighborhood development" zoning theory has applied to larger and different cities and may not work here.

Mr. Fontaine asked Council members to submit any comments on the proposed zoning and design guidelines directly to Mr. Hess.

Request from House of Care. Mr. Fontaine said that CDBG staff met recently with Neill Johnson, President of the Board of Directors of House of Care (HOC). Mr. Johnson indicated the board is struggling to raise sufficient funds to continue operating. Following the meeting, the HOC board of directors voted to request two actions by the Borough. It is requesting Council to 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." This should enable HOC to serve more clients and therefore receive additional funds for operations. In addition, HOC has asked Borough Council to help it control costs and regain its footing over the next five (5) years by reimbursing it for the local real estate taxes on its property at 515 W. Beaver Avenue.

Mr. Fontaine reminded Council that they had discussed both requests at the work session of December 10 and determined that the admission policy could be amended to include individuals with conditions consistent with the DPW's definition of a personal care home, giving preference to persons with a "terminal illness." However, because of legal and financial issues involved with forgiving the real estate tax, Council discussed deferring the second request to a future meeting.

Mr. Humphrey moved to approve the change in the admission policy and defer their discussion on the real estate tax issue. Ms. Goreham seconded the motion. The motion passed with a 6-1-0 vote, with Mr. Kern opposed.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Ms. Dauler announced an executive session held following the work session of December 10, 2007, to discuss real estate and personnel issues, an executive session held on

December 13, 2007, to discuss personnel issues, and an executive session to be held following this meeting to discuss personnel issues.

ITEMS OF INFORMATION

Mr. Kern commented that it had been an honor and a privilege to serve with the other Council members.

There being no further business, the meeting adjourned at 9:47 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary