

Meeting Minutes
State College Borough Council
February 19, 2008

The State College Borough Council met in a regular meeting on Tuesday, February 19, 2008, in the State College Municipal Building, 243 South Allen Street, State College, PA. Mayor Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor
Elizabeth A. Goreham, President of Council
Ronald L. Filippelli
Donald M. Hahn
Theresa D. Lafer
Silvi Lawrence
Peter Morris
James L. Rosenberger

Also present: Terry Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Manager; Carl R. Hess, Planning Director; Roger Dunlap, Assistant Manager; Mark Whitfield, Public Works Director; Michael Groff, Finance Director; Thomas King, Chief of Police, Beth Johnston, Human Resource Director; Herman Slaybaugh, Zoning Officer/Planner; Mark Henry, Health Officer; Cynthia S. Hanscom, Recording Secretary; members of the media; and other interested observers.

PUBLIC HOUR

Liquor License for the State Theatre. Joe Beddall, President of the State Theatre Board of Directors, explained that the Theatre was investigating the steps to obtain a performance arts liquor license. He noted that the overall goal was to have the theatre remain an elegant asset for State College. The motivation is to provide an amenity for the responsible clientele to enhance the theatre experience and increase attendance. He stated that they anticipated additional revenue but will only impact local business positively and will not be in competition. He added that this was a community theatre and the opinions and suggestions from the community will weigh heavily in the process.

Mike Negra, Executive Director of the State Theatre, distributed information on the Theatre with upcoming shows and data about the patrons. He stated as the theatre grows, they are listening to the customers in their suggestions for a performing arts liquor license. This would be the first such license in Centre County. The license would allow them to operate a bar to serve alcohol two hours before a performance, during the performance, and one hour following the performance. Since the theatre currently opens one hour before the performance, he did not expect this policy would change. He noted that there were operational factors in the lobby that may prohibit them from opening following the performance. Mr. Negra said that there would be a limited amount of time that alcohol would be served. He added that there would be an advisory committee that would review information gathered locally and develop an operation plan. The next step in the process would be to gather information from 10 other facilities in the state that operate under a performing arts liquor license. He concluded that the Board was providing this information to Council to help educate the community.

Mr. Welch asked for confirmation that Council would not have a role in approving the license. Mr. Williams replied that the approval would be granted by the Liquor Control Board. Since this was not a transfer of a license from another municipality, Council would not be given the opportunity by the Liquor Control Board to make suggestions on conditions to the license, he concluded.

Ms. Lafer noted that a great deal of what The State Theatre does is aimed at children. She said she was concerned that with the alcohol issues in the Borough, she would not want them to be exposed to even more entertainment forums where alcohol is a factor. Mr. Negra noted that they expected to serve alcohol at only selected events. Student sponsored programs would not have alcohol available for sale. The design of the serving area would not have visible alcohol products on display.

Mr. Morris asked if the bar would be in the first floor lobby. Mr. Negra replied that they had not come up with final plans but the proposal was to have the bar located in the concession area in the upper lobby. He noted that it would be temporary in nature in that there would be a beverage cart.

Mr. Filippelli asked if the driving issue to pursue the liquor license was the revenue expected or the demand from the patrons. Mr. Negra noted that the additional revenue is a substantial reason but would not discount that this was a request that customers have expressed.

Mr. Rosenberger commented that, given the location of theatre between campus and the downtown, it would present a cultural leadership to take the position that entertainment does not require alcohol. He was pleased that the State Theatre was bringing this to Council for discussion

but felt it was unfortunate to link the alcohol with entertainment. Mr. Negra said he appreciated the feedback

Ms. Goreham also thanked the State Theatre representatives and believed that they would have to make some difficult decisions in the next few months. She noted that even though this Council does not plan an official role, she suggested this Council may want to write a letter of support or non-support to the Liquor Control Board.

Mr. Welch announced that there would be a public issues forum on the subject of alcohol on Tuesday, March 25, from 6:00 to 9:00 p.m. in Room 201 of the Municipal Building. He noted that more information would be available.

There being no other comments from the public, Mr. Welch closed the public hour.

Consent Items. Mr. Hahn moved and Mr. Rosenberger seconded a motion to approve the following consent items. The motion passed unanimously.

- Approve Vouchers for the month of January 2008 for the Borough of State College in the amount of \$3,727,422.74.
- Approve the following minutes for January:

January 7, 2008	Regular Meeting
January 7, 2008	Regular Meeting
January 14, 2008	Regular Meeting
January 18, 2008	Work Session
- Accept a resignation, with regret, from Paul Knight on the Rental Housing Revocation Appeals Board, effective April 4, 2008.
- Appoint Ron Filippelli to serve as a Council representative on the Campus and Community Partnership United Against Dangerous Drinking.

ABC REPORTS

Report from the Board of Health. Marcia Patterson, Chair of the State College Board of Health, reported to Council on the activities of the Board. She reviewed the responsibilities of the Board and noted that in 2007 the Board spent much of their time discussion issues pertaining to food establishments, smoke-free workplaces, local pandemic planning and the healthy community partnership. She reminded Council that in 2007 the Borough contracted for food safety services with College Township to provide a food establishment inspection program.

Ms. Patterson also noted the support of this Council for smoke-free workplaces. Although the issue continues to be debated at the state level, local communities are prohibited from passing smoke-free ordinances. If the state passes smoke-free workplace legislation, it is hoped that the legislation will also allow communities to pass local ordinances.

Ms. Patterson also reported that the Board was kept apprised of the progress of the Behavioral Risk Factor Surveillance Survey, which is a county-wide health status survey. The survey is a project of the Centre County Partnership for Community Health and is in cooperation with the Pennsylvania Department of Health. Information from this survey will give us a better understanding of the health needs in the county and will enable health and human service agencies to better direct their resources. The results will be available in mid to late 2008.

Ms. Patterson noted that in 2008, the Board will continue to monitor the smoke-free workplace legislation, work with staff on food establishment issues, continue to review the pandemic disease plan and address any other issue concerning public health.

Ms. Goreham noted that in New York there was a requirement for food establishments to list the nutritional content of their food. Mr. Henry sat there was a requirement for listing the amount of trans fat. He said that was something the Borough may want to look into.

GENERAL POLICY AND ADMINISTRATION

Legislative Policy Agenda. Mr. Fontaine noted that over the next several weeks and months, Council will have the opportunity to interact with state and federal representatives on a variety of legislative issues that have a direct impact on municipal government. In the past, Council has approved legislative policy positions to aide both members of Council and Borough staff in their communication with elected officials. Mr. Fontaine noted that a revised list of legislative priorities was included with the agenda.

Mr. Fontaine reviewed the 2007-2008 legislative priorities list. He noted the deletion of suggested changes to the Emergency Municipal Service Tax, which has been resolved in 2007 with the adoption of the Local Services Tax. Additional positions for Council include the support for: expansion of local authority to enforce liquor laws; payments for in lieu of taxes for those

municipalities that host a university; and proposals for a clean indoor act. Lastly, Mr. Fontaine noted the opposition to a county-wide collection of real estate taxes.

Mr. Hahn asked about the revenue from enforcement and fines levied for alcohol related crimes. Mr. Fontaine noted a bill in 2007 had failed that would have a mandatory fine attached for alcohol related crimes. However, since that was consistent with the policies listed, he said he could add a reference.

Ms. Lafer asked if a specific bill had been proposed to support expansion for local authorities to enforce liquor laws. Mr. Fontaine replied there was not but it was an on-going topic that had been discussed with the Liquor Control Board.

Mr. Filippelli asked there was a bill to provide in lieu of tax payments to municipalities that host a university. Mr. Fontaine said a bill had been introduced with a threshold of 17 percent of the municipality dedicated to a tax exempt university. Funds for the in lieu payment would be paid from the Johnstown flood tax which is charged at the state liquor stores.

PLANNING AND COMMUNITY DEVELOPMENT

Zoning Amendment for CP-1 and CP-2 (Planned Commercial). Mr. Fontaine said that Roy and Angela Walk are requesting that the side and rear yard (setback) rules applicable in the CP-1 & CP-2 districts be changed. Council is asked to receive their request and refer it to the Planning Commission for review and recommendation. Alternatively, Council may simply reject the request at this meeting and keep the current rules in place, he noted.

Mr. Walk said he had summarized his request in a letter to Council. He said he believed the biggest reason for the amendment would be so that one land owner does not have the opportunity to alter the ability of another to develop. Changing the rear yard setback would allow for businesses within these districts to expand to the rear of their properties and also to provide more amenities, such as landscaping, on the front.

Mr. Hahn moved to refer the request to the Planning Commission for review and comment. Ms. Lafer seconded the motion. The motion passed unanimously.

Ms. Goreham noted the Planning Commission should keep in mind that these are commercial uses adjacent to residential neighborhood and the generous setback should not be eliminated. Mr. Hahn agreed that he would not want the change to impinge on those properties in residential zones.

REGIONAL ISSUES

COG General Forum Agenda. Mr. Fontaine explained that Council will be expected to take action at a special Council meeting advertised concurrently with the COG General Forum meeting on February 25 to extend the life of the Park and Recreation Authority and adopt an ordinance guaranteeing repayment of the debt for the pool projects.

TOWN GOWN ISSUES

Report on the Town-Gown Neighborhood Meeting. Mr. Fontaine noted that on September 21, 2007, Council received a staff report on the Town-Gown Symposium in Gainesville, FL, and the site visit to Fort Collins/Colorado State and Boulder/Colorado University. On December 18, 2007, Borough, COG and Penn State staff held a half-day workshop to identify strategies from the Gainesville and Colorado experiences that can be implemented in State College to address the challenges facing our neighborhoods near campus. A few student leaders and neighborhood residents were invited to participate in this activity.

Mr. Kurtz provided a report which identified the priorities from the December 18 workshop. He said the goal of town-gown relations is to provide safe, civil, prosperous and welcoming neighborhoods near Penn State campus. This applies where students and families are living in close proximity in the neighborhoods throughout the Borough.

Mr. Kurtz reviewed the activities in 2006 and 2007, which included joining the Big 10 Manager's network, attending Town Gown symposiums, and a field visit to two Colorado communities. He noted both Boulder and Fort Collins have an employee paid jointly by the university and the town to focus on the issue of town-gown and neighborhood relations.

Mr. Kurtz said from the December workshop there were three things that we should do. First, the Borough and Penn State should create a welcome packet with such things as information on how to contact the police, what to do with trash, etc. It was important that students be involved in the development of the welcome packet. The second priority is to develop a program for tenant/landlord relations. Lastly, the Borough should develop a "walkabout" so that a team of students, residents, and Penn State and Borough officials could go door to door to welcome people.

Mr. Kurtz reviewed the new initiatives for this year including a party host ordinance, restorative justice program where a panel of students and citizens can determine appropriate justice in certain cases, student/landlord mediation programs, and continue working on the welcome packet and walkabout, which are listed as the priorities.

Ms. Lawrence asked that neighborhood association members be included with the group of those who are conducting the walkabout.

Ms. Lawrence asked if there was data available on how effective the programs were in other communities. Mr. Kurtz said there was no good measurement techniques in place at the other communities to determine how the programs are working. Mr. Fontaine noted that data was collected in the fall with officials, Greek life and student affairs to look at the future to determine the effectiveness of the programs.

Mr. Hahn asked if there were other college towns that have landlord/tenant mediation programs. Mr. Kurtz indicated there were programs in place but there were always concerns on how to fund the program.

OFFICIAL REPORTS AND CORRESPONDENCE

Quarterly Enforcement Report from the Department of Ordinance Enforcement and Public Health. Mr. Henry provided the fourth quarter report for the Department of Ordinance Enforcement and Public Health. He noted that staff had been successful in 2007 in getting a large number of problems resolved through verbal and written warnings. He said it was appreciated by the public that staff was able to get a high level of compliance without a lot of violations. Mr. Henry praised the ordinance enforcement officers for their hard work.

Mr. Filippelli asked about the fines that are issued for food establishment citations. Mr. Henry indicated they were set by the District Justice and ranged from \$100 to \$1000.

Council discussed the citation issued to a restaurant on Westerly Parkway. Some concern was expressed about the reported noncompliance and if it were possible to permanently close an establishment that was a repeat offender. Staff reminded Council that this was the first violation under the new owner. The previous owner was cited and closed the restaurant. Mr. Williams added that permanently closing a restaurant was not within the power of the municipality. The restaurant can be cited and closed but once the establishment is brought back into compliance, the restaurant can reopen.

Council discussed the problems associated with employees who are not trained in English and did not know the sanitation laws. Mr. Henry noted that each restaurant must have one individual with a sanitation certification, which is monitored regularly by staff. He added that they work with the Chinese community and offered a course with education materials and a translator. He added that with the turnover and cultural difference it was difficult to continually offer the training.

Mr. Filippelli asked if sanitation issues would trigger repeat inspections. Mr. Henry replied that it depended on the seriousness of the violation. In a case such as a potential food borne illness, the inspector would go back the same day. The inspector re-inspects in a couple of weeks to a month to confirm that general sanitation measures are being maintained.

Mr. Filippelli asked if the issuance of citations is published. Mr. Henry replied that all inspections are considered public information and can be made available if contacted by the press. The Borough's website will list whether an eating establishment is in compliance or not.

Ms. Goreham asked about citations issued for open burning and how that would be reported. Mr. Henry said that residents should inform the police who would then pass it on to the Health Department. He noted that it was considered open burning if the fire is not within an approved structure.

Community Development Block Grant Consolidated Plan Amendment. Mr. Fontaine noted that based on the final grant amount for Community Development Block Grant funding, an amendment would be needed to adjust the funding allocations. The human service agencies being funded in 2008 have been notified about the change.

Ms. Lafer noted that there were significant cuts to the Community Development Block Grant program nation-wide, which has obviously impacted the Borough. She noted that this was a growing national problem.

ITEMS OF INFORMATION

Mr. Fontaine said he had a few announcements. First, the Clearwater Conservancy clean-up day was scheduled for April 19. The Central District meeting of the Pennsylvania League of Cities and Municipalities would be April 8 in Johnstown. Also, the Borough's annual ABC Dinner would be Wednesday, April 16.

Mr. Fontaine also distributed a schedule for Greek Week in April. He noted that one event would be asking for volunteers from Council to judge a canned food sculpture.

Mr. Fontaine noted that volunteers were being solicited to serve on the Rental Housing Revocation Appeals Board. Residents interested in serving could visit the Borough's webpage or contact the Administration office for an application.

Lastly, Mr. Fontaine noted that the Spring Creek Watershed would be looking for two residents to serve on the Canyon Master Plan Advisory Committee. The commitment would be for one meeting a month over a nine-month period.

There being no further business, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary