

**Meeting Minutes**  
**State College Borough Council**  
**November 9, 2009**

The State College Borough Council met on Monday, November 23, 2009, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Ms. Goreham called the meeting to order at 7:35 pm.

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

Also present: Thomas J. Fountaine, Borough Manager; Roger A. Dunlap, Assistant Manager for Budget and Administration; Thomas S. Kurtz, Assistant Borough Manager for Community Services; Mark Whitfield, Public Works Director; Mike Groff, Finance Director; Norma Crater, Accounting Supervisor; Thomas King, Chief of Police; Carl R. Hess, Planning Director; Amy R. Miller, Recording Secretary; Charley DeBow, Parking Manager; Herm Slaybaugh, Zoning Officer; members of the media; and other interested observers.

**Public Hour.** Ron Madrid, 701 West Beaver Avenue, addressed Council on the inappropriate use of the Borough's email for political messages.

**Items not on Agenda.** Council questioned why "*Items of Information*" were not included on this agenda and requested the renaming of the municipal building in honor of Bill Welch be included on a future agenda.

**Projects Report.** Staff briefed Council on the list of projects currently in progress and anticipated projects; Council had no questions.

### **ABC Reports**

**Design Review Board.** Kevin Gombotz, Design Review Board Chair, reported on the Board's 2009-2010 work plan. He said aside from routine activities there are two new initiatives being considered which were exploring ways to use public spaces and how to use building design elements as a way to mitigate inappropriate behavior (such as redesigning window ledges to be safer).

**Planning Commission.** Evan Myers, Chair of the Planning Commission, presented Council with an overview of the Commission's 2010 work plan. He reminded Council that the intent of the Planning Commission is to work on these items during 2010 and

make recommendations to Council on what they believe is best for the community: but Council has the final vote and can request items be added to the Planning Commission work plan at any time.

Council suggested looking into redevelopment of the Westerly Plaza and continue working on the Inclusionary Housing Ordinance.

## **Planning and Zoning**

**State College Land Area Plan Future Land Use Map.** Council was asked to consider the Future Land Use Map portion of the State College Land Area Plan (SCLAP). Eric Vorwald, Centre Region Planning Association (CRPA) Senior Planner, and Jim May, CRPR Director, were present to address Council's questions.

Council had many objections to the land use map and felt neighborhood stabilization was most important. Objections included too large an area designated for multifamily housing. Staff explained the map was not a zoning map but would be used to determine how a zoning map would be developed in the future. Council then requested a copy of the original map from the SCLAP to compare it with the proposed changes shown on the Future Land Use Map.

## **General Policy and Administration**

### **Neighborhood Sustainability Reports.**

**Nuisance Gathering Ordinance.** A public hearing was held on November 2. Council had differing opinions on the ordinance.

Mr. Filippelli said the Borough needs to gain control of neighborhood behavior and was in favor of moving ahead with the ordinance.

Mr. Morris strongly opposed the ordinance.

The remaining Council members felt the ordinance needed rewriting because balance is needed to institute consequences for irresponsible behavior.

Solicitor Williams said legally religious or political gatherings could not be regulated under this ordinance. Mr. Filippelli suggested adding the proper legal language and moving towards a vote on the ordinance.

Ms. Goreham wanted to receive additional feedback from students.

Carol Gold, 134 E. Doris Avenue, suggested Council obtain help from the local ACLU in rewriting the ordinance.

Zoning Amendment: Fraternity /Student Home. Council received three zoning ordinance amendments proposed by staff in September and a public hearing was held on November 2. The first amendment pertains to the definition of student homes and the others pertain to fraternities.

Thomas Daubert, 378 Bradley Avenue, asked Council to move cautiously on the amendments. He said he did not agree with the definition, nor did he agree with the University having to approve a fraternity. He noted that fraternity expansion should be given careful consideration because fraternities should be allowed to expand on their own land. He also added that the way the definition of a rooming house is written, no rooming houses would ever be allowed.

1. *Student home definition.* Council members expressed no objections to the student home definition.

2. *Definition of a fraternity.* Council was furnished with a copy of the 2003 court case that was the source for the change in definition. The basis of the court case was the use of the term 'affiliate'.

Council members suggested not acting on the definition of fraternity while the current university litigation is going on.

3. *University Planned District.* Staff noted that the intent of the amendment is to clarify the language because there may be social groups not affiliated with the University requiring use of property and the Borough could institute regulations to control behavior.

Staff recommended Council return the UPD regulations, with respect to rooming houses, back to the Planning Commission for further refinement. Council concurred.

2009 Property Maintenance Code. Council received a working draft of the proposed 2009 Centre Region Building Safety Code on September 21 and an updated version on October 7. A public hearing on the Code was held on November 2 with anticipated adoption on December 7.

Mr. Kurtz distributed a list of staff recommendations which included the following:

- Delete the requirement for AEDs
- Address regulation of "football rentals" separately
- Delete the Fire Safety Officer requirement
- Change the name of the Code
- Review and update the definitions sections

Staff asked Council for feedback to share at the COG Code Committee meeting tomorrow morning. Council members agreed with the Staff recommendations and suggested the issue of space per occupant be considered further and perhaps changed.

**Centre Region Council of Governments 2010 Budget.** Council received the 2010 Centre Region Council of Governments summary budget and asked Staff to provide these comments to the COG Executive Director:

- Contingency fund – The fund should remain at the \$26,380 threshold and the \$12,100 in 2009 municipal contributions returned to the municipalities.
- Centre Regional Planning Agency – The economic development study should be discussed before the project is approved.
- Code Administration, Existing Structures – The proposed increase should be justified and reflective of the cost of administering the program, and an analysis should be completed.
- Library –Additional appropriations should be funded.

**2009 Operating Budget.** Council deferred discussion until the next work session.

There being no further business, the meeting adjourned at 11:05 pm.

Respectfully submitted by:

---

Sharon K. Ergler  
Assistant Borough Secretary