

**Meeting Minutes**  
**State College Borough Council**  
**November 16, 2009**

The State College Borough Council met on Monday, November 16, 2009, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Mayor Lewis called the meeting to order at 7:31 p.m.

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

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Michael S. Groff, Finance Director; Norma J. Crater, Accounting Supervisor; Roger A. Dunlap, Assistant Borough Manager of Budget and Administration; Thomas S. Kurtz, Assistant Borough Manager for Community Services; Sharon K. Ergler, Assistant Borough Secretary; Thomas King, Chief of Police; Carl Hess, Planning Director; Herman Slaybaugh, Zoning Officer/Planner; Mark A. Whitfield, Director of Public Works, Beth Johnston, Director of Human Resources; Alan Sam, Arborist/Environmental Coordinator; Charles DeBow, Parking Manager; Rick Hirsch, William Elmendorf, Phillip Melnick, Bernard Cantorna, Thomas E. Daubert, Colleen Smith, Johan Zwart, members of the media, and other concerned residents.

Ms. Lewis began with a moment of silence and the Pledge of Allegiance.

**PUBLIC HOUR**

Mr. Phillip Melnick, Director of Buildings and Grounds, with the Office of Physical Plant at Penn State University, explained that they are planning to relocate the crows that are roosting on campus. Mr. Melnick said this year's plans are similar to what was done last year. He said Penn State is proposing to harass the crows using pyrotechnics in hopes of relocating them to Hort Woods and to the Duck Pond. The harassment will take place in the evenings. The reason the crows congregate at Penn State is because crows like areas that are fairly well lit, warm areas. Another reason the crows are attracted to University Park is because of the food supply at the farm areas, in addition to the organic food processing center. These two areas have become their feeding locations.

Mr. Melnick said the efforts will stop if it appears their efforts are not working. The OPP will have to play it by ear and see where the crows go and they may

need to adjust on the fly. He added that OPP will be erecting light towers in the areas they want them to go. This will help the crows find the location at night and hope that the crows find it attractive to roost there. He said they may need some additional lighting but time will tell. In closing Mr. Melnick said they are hopeful the crows will no longer find State College a friendly place to migrate; however, it may be a yearly activity to undertake.

No citizens were present to speak about items not on the agenda.

Council members asked several questions about how they do the relocation. They also asked the OPP to be sensitive to the migratory birds that currently use the duck pond as their home.

Mr. Melnick said in the past, Penn State had trapped some of the crows and put radio transmitters on them to track where they are going. One crow has returned with a working transmitter and he has been hanging out in a couple of different locations. One location is near the Giant and Weis grocery stores on North Atherton Street, and the other is in the fields by the fields by the Penn State arboretum. He said the trick is to get behind them and shoot the pyrotechnics and keep trying to push them to the East.

Council members inquired how long the lights need to stay on. Mr. Melnick said the crows start to roost around 4:30 - 5 p.m. however; the lights may need to stay on until midnight. Then we will need to see if the crows will stay there after the lights are turned off.

**Items not on Tonight's Agenda.** There was no one present to discuss items not on the agenda.

**Consent Items.** Ms. Lawrence made a motion to recommend Council approve the following consent items. Ms. Goreham seconded the motion, which passed 6-0-0.

- Vouchers for the month of October 2009 in the amount of \$4, 328,966.91.
- Use of the Municipal Building plaza and lobby for a Menorah Lighting Celebration for the Chabad of Penn State on Sunday, December 13, from 4 p.m. to 8 p.m.

Ms. Goreham said the Borough welcomes all religious organizations to apply for the use of the Borough's plaza and/or lobby for their religious events.

ABC Reports

**Report from the Tree Commission.** Mr. William Elmendorf, of 125 East Irvin Avenue, spoke on behalf of the Tree Commission. He said he has been on the Commission for a long time. First, he thanked Borough Council, the Borough Manager, and the Public Works Director for their support of the Tree Commission and staff. He said the Borough recently had a record breaking early snowfall,

which has caused considerable damage to our trees. He said Alan Sam and his crew have done a tremendous job. Without the Borough's preventive maintenance and pruning schedule, the cost to the Borough's trees would have been much worse. Mr. Elmendorf said the Borough Arborist will be discussing the tree damage with the Tree Commission at their November 19 meeting.

Mr. Elmendorf commented that on the Tree Commission 2010 Work Plan is a goal to combat tree vandalism. We want to encourage community pride and ownership of our trees. This past summer, the Borough lost two large Elm trees on South Pugh Street, between College and Beaver Avenue and the Tree Commission is charged with determining what trees should be replanted in this area. Mr. Elmendorf said the Tree Commission continues to evaluate areas for new trees and areas where diseased or damaged trees need to be removed.

**Report from the Transportation Commission.** Mr. Rick Hirsch, Chairman of the Transportation Commission, was present to discuss the Commission's 2010 Work Plan. He said many of the items on the work plan are carry over from 2009. In addition, the Commission is looking into a bicycle policy, additional bike routes, and to evaluate the feasibility of one-way pairs on North and South streets.

Council members suggested the Commission research the possibility of extending the hours of on-street parking enforcement. Currently the on-street meters are only enforced until 6 p.m. There are employees who work at many downtown establishments that know they only need to feed the street meters until 6 p.m. and then they can park there for free.

Staff indicated that the Parking Department is collecting data on that issue. Presently there is no proposal to deal with that issue in the proposed budget. We can forward to Council the results of the collected data when it becomes available.

Mr. Hirsch said the Transportation Commission is also looking at additional parking revenue sources, such as charging slightly more per hour for metered parking. This will keep the street parking available for short-term parking. He said the Commission members have noted that Thursday nights through Sunday the on-street meters are completely filled. He added that we need to make the downtown more accessible for short-term patrons.

Council members commented this would be an interesting good subject to study , especially with the Fraser Centre expected to come on line within the next year.

A couple of Council members thanked the Commission for continuously developing a friendly environment for bikers, pedestrians, and vehicles. Please keep up the good work. Council members also commented that a greater

number of people riding bicycles have increased dramatically. It is clearly very effective to provide bicycle lanes.

Mayor Lewis asked that cyclists wear apparel that make them visible and to equip their bicycles with the minimum items such as reflectors and/or lights.

Mr. Hirsch said that will be included in the Transportation Commission educational efforts. In addition, he said he would include the evaluation of metered parking a priority on this year's work plan.

## PLANNING AND ZONING

**Zoning Amendment: Fraternity/Student Home.** Ms. Lafer made a motion to recommend Council's intention to enact the proposed amendments at the December 7 meeting. Mr. Filippelli seconded the motion.

Ms. Goreham proposed an amendment to the fraternity definition ordinance and to send it back to the Planning Commission for further review and comment. Mr. Hahn seconded her amendment.

Ms. Goreham said she only wanted to offer an amendment to the zoning amendment for fraternities.

Other Council members clarified that Ms. Goreham wanted to return the fraternity amendment to the Planning Commission for their review and comment. As for the Student Home amendment it would move forward for the possible adoption at Council's December 7<sup>th</sup> meeting.

Council voted 6-0-0 in favor of Ms. Goreham's amendment to return the fraternity definition back to the Planning Commission.

Staff explained that the rationale for amending the student home definition is because student homes were becoming student owned homes who in turn were renting the house and/or rooms to other students. Students and their parents were circumventing the ordinance. It was pointed out that this amendment will not prevent students from owning a home but it will change how it can be rented.

Next, Council voted 6-0-0 to announce Council's intention to enact the student home amendment at their December 7 meeting.

Mr. Johan Zwart, 420 South Burrowes Street, explained that the student situation is very complicated. He asked why this decision has been made to amend this ordinance. He asked where he could find additional information.

Staff suggested Mr. Zwart speak with Herman Slaybaugh and discuss the history of student home regulations.

Council members commented that the problem is when parents bought these homes and added their son or daughter onto the deed. The student owner moved into the house and then started renting out rooms to additional students. This created a loophole in the ordinance, which is not acceptable to long-term owners. There are space requirements between permitted student rentals.

Mr. Zwart suggested Council consider raising the price of rental permits for student homes, in addition to the change in the ordinance or in place of it.

Mayor Lewis suggested Mr. Zwart schedule a time to address his questions to the Borough's Zoning Officer.

Mr. Rosenberger thanked Mr. Zwart for his suggestions and added that Borough Council is always open to good ideas.

**Rezoning Request for 336 South Fraser Street.** Staff explained that the owners of this property have submitted a rezoning request. The property is zoned RO-A and the property owners are requesting the property be rezoned either R-0 or R-3.

Mr. Filippelli made a motion that Council receive this request and refer it to the Planning Commission for their review and comment. Mr. Rosenberger seconded the motion.

A couple Council members expressed displeasure that a map was not included in their agenda.

Staff put up a map on the screen, which showed the location of the property in question, as well as the types of units adjacent to this property. Mr. Hess said to create a single island, which would happen if rezoning this property, it would be considered spot zoning and the Borough would have a flag shaped R-O zoning district. The Planning Commission will need to evaluate whether or not we propose changing the permitted density in the ROA district.

Council members expressed concern about changing the zoning of this property. Some members questioned why we would send this to the Planning Commission at all, since this property is not adjacent to either of the two zoning uses they are requesting.

The motion passed 6-0-0.

## OFFICIAL REPORTS AND CORRESPONDENCE

**Mayor's Report.** Ms. Lewis said she had nothing to report.

**President's Report.** Ms. Goreham reported that Council held an executive session on Monday, November 9, to discuss personnel matters.

## REGIONAL LIAISON REPORTS

**Public Safety Committee.** Ms. Lawrence reported that this Committee met last Tuesday. She said we are still negotiating with a consultant for the Code Study. We are attempting to come up with a figure for the endeavor that will sit well with COG and this is being accomplished by revising the scope of the project. We are taking out the University from the study area.

As follow up to the proposal for the Lucas Chest Compression, the recommendation is LifeLink will buy one unit and the each of the municipalities will buy a share of the second unit. She said we are hopeful it will save many lives. Ms. Lawrence said when someone is putting their weight down doing chest compressions while traveling in a moving ambulance it is very dangerous for the person doing the compressions. It will throw that person around and this is a much safer way for the person administering CPR.

**Executive Committee.** Ms. Goreham reported that the Executive Committee will meet tomorrow.

**Finance Committee.** Mr. Hahn reported that the Finance Committee has not met since the General Forum's meeting.

**Human Resources Committee.** Mr. Filippelli said the Human Resources Committee will continue to discuss three issues. The first issue is the approval of a Senior Land Use Planner, the procedures for the Library Director's search, and the discussed the refinement of a policy regarding employees that can be required to leave work during a declared health emergency. Mr. Filippelli said this last one is a very difficult issue and this is a setback for refinement.

**Transportation & Land Use Committee.** Mr. Rosenberger said this Committee will meet on Wednesday in a joint meeting with the Centre Region Planning Committee. He said this happens twice a year.

**Parks Capital Committee.** Mr. Rosenberger said the committee will meet on Thursday this week. They will continue to discuss the continued level of funding for regional parks. They will be making a recommendation to the Finance Committee. The Committee will continue to discuss the Hess Field issue.

**Staff/Committee Reports.** Mr. Whitfield provided Council with an update on the storm damage. He said as of today are crews are still busy cleaning up. Crews have been working six 10-hour days collecting leaves and chipping brush. As of today, the leaf collection schedule is on time. By Thanksgiving everything should be back on schedule. One item yet to be addressed is the broken limbs that are

hung up in the trees. These still need to be removed. So far the crews have only gotten 10% of those. They will continue to work on this throughout the winter months. Holmes-Foster Park has been reopened and we anticipate Sunset Park will be re-opening soon.

Council recessed to a work session at 8:35 p.m.

## 2010 OPERATING BUDGET

Mr. Dunlap quickly reviewed the 2010 Operating Budget schedule, including the review of each department's budget. He said to date several questions were raised about the budget and staff would prefer to provide responses as we go along so we have everything cleaned up prior to the scheduled adoption of the budget on December 21.

**Ordinance Enforcement and Public Health.** Staff provided Council with a slide show on DOEPH's ongoing programs and initiatives. Included in the initiatives is the department's focus on neighborhoods. Also focused on are the continued inspections of all food establishments. Staff expects to continue to maintain the same levels of service in 2010. The LION expenditure is expanded slightly to buy additional supplies to further expand the program. Also included are monies for another intern. Staff reported that with the 2009 Property Maintenance Code adoption in the near future, staff will enhance their collaboration with the Centre Region Code Administration

Mr. Kurtz reported that currently the Department of Ordinance Enforcement has 5.2 full time employees, and the .2 is for the proposed intern, which is a ten-week position. Also proposed in the 2010 budget is money to fill the director's position. Mr. Kurtz said he cannot continue to manage that department on a day-to-day basis. The vacancy needs to be filled. Staff also noted that Chelsea Puff, the department's intern this past summer has moved to Pittsburgh so we will need to hire a new intern for the summer.

Staff commented that in the 2009 operating budget we budgeted for a consultant; however, we did not budget that for 2010. Overall, DOEPH operating costs will be down next year.

Mr. Kurtz reported that we continue to have contracts with College, Patton, and Ferguson Townships to handle their restaurant inspections and complaints. In addition, we have a contract to cover dog enforcement in College Township.

Council members commented while the department itself is small, it is an important group of people who handle all of our nuisance type violations.

Mr. Kurtz said there are three full-time employees who work in the field. In addition, DOEPH staff work with the Planning Department to do zoning enforcement for over occupancies.

Mr. Hahn told Mr. Kurtz he has been a great Health Director. Are you sure you don't want to continue? Mr. Kurtz said state certification is required and in 2009 our consultant was able to fill that void.

Council members asked how the research was going on developing an Act 315 Health Department. Staff indicated that the program has a lot of start-up costs that will require staff to do some additional research and possibly apply for grants to cover the required start-up costs.

Mr. Kurtz said staff hopes to have the Act 315 report done shortly. The proposal is not as simply as we had hoped. As the program suggests we must be ready to provide all required services when the Act 315 department opens, in order to get a match for state funding. While this can be done over time, it will require us to have on staff a Physician, Nurse, and Administrator. We would need at least a two to four months lead in period, which would use up any savings. This will be a project for the new director to tackle.

Staff commented that we have not started to look for a DOEPH Director but would anticipate doing so sometime in 2010.

## PLANNING/ZONING

Mr. Hess reviewed with Council the different programs administered by the Planning/Zoning Department, as well as the names of each staff person and which programs they work on. He also commented on some of the projects staff has been working on, such as the State College Area Land Plan, Community Land Trust, in-lieu parking report, and redevelopment on the West End, Hamilton Avenue Shopping Center, and along South Atherton Street.

Staff also reported on the many different housing programs staff is currently working on such as the Elm Street activity through the Redevelopment Authority, public/private partnerships, and work-force housing initiatives.

Another activity is a possible revolving loan fund for a business development center. This would be used to help businesses start up or expand. Staff will be investing this further with local banks because we will want people who are experienced in revolving loan programs.

Council members inquired if there was something they could do in terms of Planning's list of programs.

Mr. Hess said one of the first things we would want to do is have the revolving loan program in place. Developers may want to look at the program's goals. He asked Council if there were areas Council was interested in setting up a redevelopment area. He said this is really a ground breaking kind of issue. It is unclear at this point if infrastructure upgrades will be needed in redevelopment areas bring sewer lines up to capacity and other public improvement components.

Ms. Lawrence said Borough Council had mentioned that the Westerly Parkway Shopping Center as an area we would encourage you to look into, especially with all of the vacant land nearby.

Council members commented about the Thompson Woods housing project along North Atherton Street.

Staff commented that five of the twelve lots are being developed. Also, the Harris Township workforce housing manual and ordinance are in place. A lot of outreach work has begun to the other municipalities.

Mr. Hess noted that staff is looking into whether or not the Borough can own and manage a rental property. Housing Transitions owns one and rents out a duplex. Staff is checking to see if we can use HOME money for tenant-based rental assistance programs. He said there are a lot of people we would like to help become homeowners.

Ms. Goreham said she personally would like to see the West End plan back on Council's agenda before the end of the year. She said a few changes may need to be made before sending it back to the Planning Commission for further review and refinement.

Staff commented that the Employee Pay Plan will be distributed to Council on November 20<sup>th</sup>.

The meeting adjourned at 9:36 p.m.

Respectfully submitted,

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Sharon K. Ergler  
Assistant Borough Secretary