

**Meeting Minutes
State College Borough Council
March 19, 2010**

The State College Borough Council met on Friday, March 19, 2010, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Mr. Filippelli called the meeting to order at 12:04 pm.

Present: Ronald L. Filippelli, President of Council
Thomas E. Daubert
Theresa D. Lafer
Silvi Lawrence
Peter Morris
James L. Rosenberger
Absent: Donald M. Hahn

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; Thomas King, Chief of Police; Carl R. Hess, Planning Director; Amy R. Miller, Recording Secretary; Herman Slaybaugh, Zoning Officer; Terry J. Williams; Borough Solicitor; members of the media; and other interested observers.

Public Hour. There were no comments from the public.

Sustainable Neighborhood Ordinances

Nuisance Gathering Ordinance. Staff summarized the history of the Nuisance Gathering Ordinance along with the latest revisions.

Staff provided a matrix of key provisions divided into four types of violations and four locations; and asked Council to indicate their preferences in order to move ahead with the ordinance revisions.

Additionally, Staff suggested final action on any Nuisance Gathering ordinance be completed no later than the May 3 meeting before students and residents leave town following completion of the spring semester.

Council made the following comments regarding the ordinance: (1) It is inappropriate for the Finance Department to determine fines; fines should be determined by the Court. (2) The nuisance problems occur in all neighborhoods and Council wants to remind students that there is a code of conduct. (3) The police should be given the maximum tools to deal with the nuisance problems. (4) The items included in the ordinance are illegal activities already against the law. (5) The ordinance is directed at the occupant who organizes the party and not the owner of the property.

Carmine Prestia, District Magisterial Judge, said that both he and Judge Grine agree that the maximum amount of fines should be raised giving the judges the ability to set the fines themselves. Mr. Prestia suggested Council obtain legislative support in raising fines under state laws.

Mr. Prestia added there may be legal issues with the ordinance and offered to discuss the ordinance with the solicitor.

Matthew Lachman, 817 Saxton Drive, and UPUA Legal Affairs Director, voiced his opinion that items in the ordinance are already illegal and there is a code of conduct reinforcing the law. He said the ordinance puts the responsibility on the host who may not commit the action, which is unfair.

Below is the matrix indicating the number of Council Members who indicated an interest in including various violations and locations thereof in a nuisance gathering ordinance:

		Type of violation			
		Public urination or defecation	Fights or assaults	Vandalism or property damage	Furnishing or underage drinking
Location of	On the property where the gathering is located	5	6	Not Applicable	5
	On an adjacent street or alley	3	3	4	1

Violation	On abutting properties (including those across a street or alley)	4	3	4	2
	Within 100 feet of the property	1	1	2	2

Zoning Ordinance Amendments. Council considered a package of three zoning ordinance amendments. Staff explained that two of the ordinances, the definition of a fraternity and the prohibition on campus rooming houses, were previously pending before Council. Both had been referred back to the Planning Commission for further study and were now reported back to Council.

Staff noted that the new ordinance pertains to a temporary use provision that would allow a fraternity to be changed to a rooming house when closed as the result of self imposed disciplinary action. Council agreed with moving forward on the temporary use provision. Staff suggested holding a public hearing and enactment on the same night before Penn State classes end.

Staff noted the next ordinance would amend the terms of the University Planned District to set development standards for the fraternities within the District. Currently there are no established rules and a fraternity property could be redeveloped without restrictions. The ordinance also ties into the preceding ordinance. Council also agreed to proceed with this ordinance.

Staff explained the final ordinance pertaining to the definition for fraternity house. The Borough Solicitor indicated the change will correct the problem that arose with a prior commonwealth court case: Council supported proceeding to a public hearing on the ordinance relating to the definition of a fraternity.

2010 Centre Region Building Safety and Property Maintenance Code. Council agreed that the 2010 Centre Region Building Safety and Property Maintenance Code is ready for adoption; however, Council requested the following questions be addressed at the General Forum meeting on Monday before the approval of the code is considered:

1. Section 713.2: How does a property/business owner know or find out how to calculate the maximum occupancy level of his premises?
2. Section 802.8.2: Why is a response within three hours required?

There being no further business, Council adjourned to an executive session to discuss personnel and real estate at 1:59 pm.

Respectfully submitted by:

Sharon K. Ergler
Assistant Borough Secretary