

**Meeting Minutes**  
**State College Borough Council**  
**Regular Meeting**  
**Monday, July 11, 2011**  
**7:30 p.m.**

The State College Borough Council met on Monday, July 11, 2011, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Mayor Goreham called the meeting to order at 7:31 p.m.

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

Also present: Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Borough Solicitor; Carl Hess, Planning Director; Sharon K. Ergler, Assistant Borough Secretary; Anne Messner, Acting Zoning Officer; Mark A. Whitfield, Director of Public Works; Brendan McNally, UPUA Student Representative; Michael S. Groff, Finance Director; Charles DeBow, Parking Manager; and interested members of the media and concerned residents.

**Public Hour – Hearing of Citizens**

Mr. Jeff Kern, 749 East McCormick Avenue, said he would like to address an item on Council's work session this evening. He said since 1896, a volunteer Council, which has served this community well, has represented the Borough. He said he was a member at one time and it was an honor to do so. Mr. Kern said he could not imagine Council voting to pay Borough Council members a salary when there have been no salary increases for employees, layoffs, and the country's economics is in the midst of a depression.

**Reports of Interest**

Centre County Community Foundation's Executive Director Alfred Jones, Deputy Director Molly Kunkel, and Georgia Abbey, Executive Director of Leadership Centre County, presented the Knight Foundation's Soul of the Community Report. This report is the result of a three-year study of the factors that lead to community attachment or why people love where they live.

Ms. Abbey provided three websites, which Council and the public can visit for additional information. Those websites include [www.soulofthecommunity.org](http://www.soulofthecommunity.org), [www.Centrecountycf.org](http://www.Centrecountycf.org), and [www.leadershipcentrecounty.org](http://www.leadershipcentrecounty.org).

Council members commented there was a tremendous amount of work put into this report. Also, it was surprising to read what some of the answers were to the questions asked. It opens up Council's minds about how people think and what they think is important in our community.

**Consent Items**

Mr. Daubert made a motion to approve the following consent items. Mr. Rosenberger seconded the motion.

- Accepted the resignation of Karen Burgos, with regret, from the Redevelopment Authority, effective immediately.

- Approved the closing of Hartswick Avenue, from North Allen Street to McKee Street, on Sunday, September 4, 2011, from 5:00 p.m. to 10:00 p.m. for a Neighborhood Block Party.
- Approved the closing of 200 block of South Allen Street, between Beaver and Foster Avenues, for Youth Service Bureau's Classic/Collector Car Show on Saturday, July 30, 2011 from 4:00 p.m. to 10:00 p.m.
- Approved the use of College Avenue and Beaver Avenue for the Youth Service Bureau's 26<sup>th</sup> annual last cruise on Saturday, July 30, 2011, from 6:00 p.m. to 8:00 p.m.
- Approved vouchers for the month of June in the amount of \$2,209,857.34.

The motion passed unanimously.

## **Planning and Zoning**

### **Inclusionary Housing**

Staff presented Council with an overview of the purpose of the Inclusionary Housing Ordinance amendment.

It was noted a property owner couldn't participate in this housing program and then turn around and rent it out. Decision points Council has to make:

Option #1 – Student eligibility - if they are graduates or undergraduates.

Option #2 – Students are not eligible to rent unless occupied by assistance, single parents, etc. Do they have the right to purchase the units? How are continued affordability requirements tracked? Will the restrictions be handled through deed restrictions, etc? What are the resale restrictions? What is the process to keep units affordable?

The Council discussed the density bonus, which is only given if built on-site. They wondered if we would want to extend the density bonus as one of the options. They also discussed raising capital for other programs to provide affordable housing with other mechanisms. Council also asked if the domestic partnership documents are acceptable. They felt this document was right on the cutting edge and breaking new ground. They were advised the domestic partnership documents were adequate.

The Centre Region Planning Agency raised questions such as if you pursue the in-lieu option, are you paying twice and then contributing money to State College Borough's fund and what happens if you cannot sell or rent it a property? Would the Borough be charging a developer twice? The way the proposed ordinance is worded is that you would pay it once, as in-lieu. They wondered about recouping costs. They felt these were questions the Borough would need to think about. They also questioned the benefit of the additional unit and the return on the investment. They felt staff should modify the exception for on-campus student housing. There was concern that exclusion, if pursued, would say no inclusionary housing in East Halls.

State College Planning Commission had several comments. They stated they are trying to expand affordable housing and ownership options in the borough. They questioned delivery methods – how to produce – and wondered if this ordinance is the way to accomplish this. They discussed the variety of program we currently have. They asked if we wanted to increase affordable housing or sustain the neighborhoods and the answer is both. The Commission felt we should be doing alternative approaches and feels they are. The Commission discussed the Borough being a Partner for Section 42 Tax credits and cited the partnership on the Kemmerer Road project. They noted the Borough has had success in that way and are always looking for new opportunities and hoping to provide additional resources or partnership opportunities.

It was noted that developers believe the ordinance would result in no inclusionary housing being made available. They wondered if it is economically viable. Staff noted changes were made to the ordinance from the response and input we have received that they believe will address some of the concerns that

were raised by the developers. They stated they have not received specific feedback from developers on this version of the ordinance.

Staff stated they are trying to provide additional housing for people who work in town.

A Council member asked for a list of the types of employment categories we are targeting, a list of average wages, business, etc. Staff noted we are not going to turn someone away if they meet the intent of the ordinance. It was noted this is a defacto student housing initiative. Staff tried to build in stipulations to not permit student housing. They felt this was an issue to bring across the municipalities. Zoning approvals are made locally and this is a zoning approach. Staff has been routinely asked to write letters of support outside the Borough. They felt we should do what we can regionally. They felt this was something we are aware of and will address as we can. Staff felt we had a good track record on partnerships.

A Council member asked staff if they could you say something about the Planning Commission's statement that this will prohibit development. Would a property owner need to consult a lawyer on whether or not they could rent the unit? The Councilman stated he was concerned about bureaucratic overhead and felt we would want to make available housing stock at affordable prices. He questioned who builds in the Borough, is it large developers or small people who want to build small buildings.

A Councilman thanked staff for bringing this before them in this format and stated she believes in this ordinance and that it works - whether small or big communities believe in it.

A Councilman stated staff has done quite a bit of work on this ordinance and raised and answered a lot of questions. He asked staff to clarify density bonuses.

Mr. Filippelli moved to receive the Planning Commission's recommendation and schedule a public hearing for August 1<sup>st</sup>. Ms. Lafer seconded the motion.

Mr. Hahn stated he would like to have the discussion around August 8<sup>th</sup>. He stated he would like to have some time to discuss the meat of this ordinance and would like the hearing to occur in the fall when more people are back.

Mr. Fontaine noted this issue does need to be resolved before it can be advertised.

Mr. Daubert stated he agreed with Mr. Hahn. He felt we shouldn't move very fast. He stated he would like all of Council to be here for the discussion. He stated he would like Council to talk about this before the public hearing and would like to see it at a work session on August 15<sup>th</sup>.

Mr. Filippelli stated he wants to see this move forward and would like to clarify this sooner rather than later. If we were going to pass this, we would want these projects included. He wondered if there was any reason why Council couldn't have a work session afterwards.

Mr. Fountain responded that any changes would have to go back to the Planning Commission and an additional public hearing would need to be held. Staff would recommend there is a package going forward until it is ready to go to format.

Public hearings are typically held on the first meeting of the month for consistency and nothing requires that the public hearing be held on the first meeting of the month.

Mr. Filippelli changed his motion to hold the Public Hearing on August 15<sup>th</sup>. Council asked that the student issue resolved by August 1<sup>st</sup>. Ms. Lafer seconded the motion

Staff noted they would need Council's direction by August 1<sup>st</sup> if an August 15<sup>th</sup> hearing were to be scheduled.

Mr. Morris stated he agreed with that motion and thanked staff for doing a great job presenting this. He stated he is strongly supportive of it. He stated he would like to change the restriction to lower it from 20 to 10% but he is not going to push that issue. He also stated he liked the domestic partner provision.

The motion passed 6-1 with Mr. Rosenberger voting in opposition. He stated he thought we wanted to have everyone present for the discussion.

Mr. Morris stated the Domestic Partner Registry was Bill Welch's idea, and he strongly supports it. He stated being on the registry should show a quality partnership.

Ms. Lafer stated she agreed with Ms. Lawrence and felt this proposed ordinance was an excellent idea. She stated Council has gone around in circles on this ordinance. She stated she is very pleased with the form it has come to them in now. She stated as a young graduate student, she had no problem with graduates or married students. She stated PSU is concerned with this proposed ordinance but anything on campus, by definition, would not be covered by this ordinance. She stated developers would prefer not to have this mandated, but it works and it works for them as well. She stated local developers that are happy and successful in the community would find ways to make this work. She felt this ordinance was an extremely positive move for the community. She stated one of the problems we have is housing that is useable for young professionals and this ordinance helps to provide exactly what they need.

### **Official Reports and Correspondence**

Mayor's Report - Mayor Goreham welcomed back commuter students.

President's Report – Mr. Filippelli stated Council would recess to a work session.

### **Staff/Committee Reports**

Mr. Fountaine reported he recently visited Iowa City for a Big 10 City Managers Group meeting. He stated they looked at a partnership involving Iowa and Iowa City for downtown development, etc. They are doing some interesting neighborhood stabilization work. He spent time looking at Emergency Management issues and partnerships. The trip was worthwhile and educational. He stated in some ways, we are probably ahead in what is going on there.

UPUA Student Representative Report – Brendan McNally discussed a program webinar he attended a couple of weeks ago about Colorado State where you can sign up to avoid fines for noise violations. He stated he has discussed this with other members of UPUA to gauge support. He stated he has received good reception so far. He will give a presentation next weekend to provide them with more background on how the program works.

### **Items of Information**

Council recessed to a work session to discuss the following:

Mr. Rosenberger noted the Parks Capital Committee will meet this Tuesday to discuss how to develop regional parks.

Ms. Goreham noted the swimming pool has been a bit hit.

Mr. Daubert said the five different departments in COG want to expand their staff; however, most of those requests were turned down by the Human Resources Committee.

Ms. Lawrence noted the Public Safety Committee would be meeting on Wednesday. The topic will be discussion on making a half-time fire safety person full-time.

**General Policy & Administration** – Adjourned to a work session at 9 p.m.

Mr. Filippelli reconvened the meeting at 9:08 p.m.

The Council discussed a salary for Council members. A summary of information was provided to the members. It was noted the Borough Charter does allow salaries for Council. Any changes would not take affect until the following election. Key dates are before the election and salary could take affect in January 2012. For all 7 members to be salaried, it would not be until January 2014. Salaries provided by other Centre Region municipalities were provided in the agenda packet.

Ms. Lawrence stated she asked that this item be placed on our agenda. She stated the reason she asked is because every other municipality has a salary. She discussed the costs associated with being a Council member. She stated after looking at the primary list of candidates, her opinion was we didn't get enough candidates. She felt if they know their expenses are covered, like the other municipalities, the salary should also cover any conference, seminars, etc. She stated Jeff Kern was very clear, this is a sensitive time. She stated we are already spending money for conferences, etc. and all other municipalities do it. She stated she would like to see others run for Council.

Mr. Morris stated he is glad this is on the table. He stated he has given it some thought and agrees it would be good to broaden the base for a more diverse running for Council. He stated he is a little dubious that salaries would do that. He felt it might be right if we did start receiving \$4,000 a year if we pay our own expenses to meetings, pay for laptops, etc. He felt we couldn't pay more than 4,000. He felt this was a real petty amount of money minus everything else.

Mr. Fountaine noted the Borough is a home-rule municipality and that Council can set the maximum salary at any level they choose.

Mr. Daubert stated this is the 3<sup>rd</sup> time this matter has been discussed in 18 years. He stated he is against it today just as he was the first time we discussed it. He stated the salary wouldn't attract anyone for this small amount of money. He stated he would rather pay for meeting per year than have something like this. He noted this money would be taxable income and would require standards deductions. He felt Council would be getting hurt by getting paid. He said he didn't care about the money and felt this sends the wrong signal.

Mr. Hahn stated he was surprised that he is in complete agreement with Mr. Daubert. If we are going to do this, motivation is finding candidates. He felt this was a laudable suggestion. He noted the municipality that basically pays the most had 2 candidates for 3 slots and everyone else had one candidate for one slot. He stated he had no objection to the salary, and obviously it would benefit his replacement. He stated he did agree with Mr. Daubert about the meeting issue. He stated he is a PA LCM Board member and this shouldn't count against participation. He stated having a voice in PLCM is extremely important. Participation should be encouraged. One final concern he had was a procedural concern. He was concerned about Council's ability to raise their salaries. He stated Ferguson Township does put their salary in the home rule charter but it is the voters who select whether or not salaries are increased. He stated he has a qualm about being the one that grants it. If we do decide to go this route, we have it put it into the Home Rule Charter and have the voters decide it.

Mr. Rosenberger stated in terms of salary versus expenses, he would rather people attending meetings and get their expenses covered by the Borough and not the stipend.

Ms. Lafer stated Jeff Kern is right. The timing doesn't seem to work. She stated learning how to do a job and do it well is part of Council's job and part of that is done at conferences, with experts, classes, etc. She stated she is very uncomfortable if people had to do it from the pocket and much prefers to leave things as they are.

Mr. Filippelli stated he is opposed to it. He felt we should maintain a volunteer Council. ABC's are volunteers who put in a lot of time. He felt there should be no connection with salary and expenses for professional meetings and felt these were completely different items. He stated part of our spirit and

history is we are volunteers and felt we should keep it that way. Not getting any sense to move this forward for a vote, this issue died.

#### Firearms Warning Signs for Municipality-Owned Buildings and Parks

Staff needs guidance on this matter to submit for formal approval. It was noted that 65 signs that would be required to meet the obligation and cost estimates.

Ms. Lafer noted there was a very cranky letter on-line this morning. She stated she didn't agree with the reasoning but agreed with the conclusion. She stated there is a fair amount of expenses to this policy. She stated she understands Mr. Morris's dissatisfaction with being able to protect our property. She stated she would not vote for it.

Mr. Morris stated by state law, are powerless to protect people in the parks and municipal building. He stated it is a natural expectation of people who visit our parks or municipal building without the threat of guns. He stated this controversy needs to die down. He stated it is not fair to those people not to give them this sort of warning. People will be bringing children into the parks for amusement, to have that risk there is something they should know about to make an intelligent decision. He felt we should give the people this knowledge so they can make an intelligent decision. We know the facts. We know there is a risk large or small. We should not be hiding that inside information from the people who are most concerned.

Another point Mr. Morris voices is suppose there is a gun incident and someone is hurt, a child is killed, hurt or injured, and parents sue – who do they sue? They can sue the Borough. The Borough didn't protect them and can't protect them but the Borough could have warned them. He felt this is something we could get sued for.

Mr. Rosenberger stated if he were to follow the logic of Mr. Morris, we should put a sign on every street corner. Putting a sign warning only heightens people's fear of the unknown. He stated he never felt any fear in this town or in this building of anyone legally carrying a gun. He hopes this Council says no to this suggestion. He felt it would be raising false fears and costs. He stated the police could go into our parks and buildings.

Mr. Hahn stated he is in complete agreement with Ms. Lafer. He stated this proposal basically kicks in his cheap instincts. He stated he also wanted to address some additional concerns. He stated we did have an ordinance that did not permit guns in the parks. It was never enforced. The only difference would be that we cannot enforce it. He thought we could, but we couldn't. He stated the only way to enforce a gun ban is to have metal detectors. He stated the fact it is, we could say we ban it, we do not like it, but the fact is, when it comes down to it, the situation here is very little different from what we had before. We cannot regulate it. Increased liability would be attached if we said we were going to enforce an ordinance if we didn't. He stated this would be similar to the good Samaritan law of helping someone.

Mr. Daubert stated a couple of Council members met with Senator Corman about this issue a couple of weeks ago. He stated Senator Corman would bring forth a bill that would ban armed persons in municipal and state buildings. He feels that would pass the assembly very easily. It would be more difficult on the parks part of the proposal. He felt we should give the legislators time to clear up this situation and give our senator a chance to fix part of it. He stated he would not be in favor of this proposal.

Mr. Filippelli stated he did not think we should have the signs the parks and buildings. He stated we are not powerless to protect the people. We have a Police force for people who break the law. This will discourage people from using the parks and there will be unattended consequences. He stated he is opposed to this proposal, as well.

Ms. Lawrence stated Mr. Morris's proposal was well intentioned. She stated all of Council was very frustrated when that group came before us. But, she has concerns as other members have expressed for

putting signage out. She stated it is almost like saying you can bring your gun here. Other people say OMG there are guns here. She felt we should keep it low key and face the music in having to take our ordinance down and the proper step is to work through legislators to get municipal buildings to have the same safety as other county and state building so we don't have to be intimidated.

Mr. Morris stated State College Police could arrest someone after the gun has been used. If you have a crowded park on a nice day and a man that nobody knows is obviously armed pulls a gun and parents call the Police, police have to say "No, they can do anything" not until he uses it.

He stated there is a reasonable expectation that no one is armed at a public park. It isn't actually a reasonable expectation that no body is armed on the street. The cost seems irrelevant. He felt this is a sad commentary if \$6500 is an issue. Mr. Daubert talked about lobbying the legislators about it. He did not think current legislators would pass such a law. Gun lobbyists would oppose it. It wouldn't matter how much lobbying we do. He stated there is no way we can do anything as it stands. We should let people know to make their own decisions. People have to have knowledge to make decisions.

Mr. Filippelli stated this item should be included on a future agenda for action even though there is no way near majority for support.

The meeting adjourned at 9:38 p.m.

Respectfully submitted,

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Sharon K. Ergler  
Assistant Borough Secretary