

**Meeting Minutes
State College Borough Council
Regular Meeting/Work Session
Monday, November 21, 2011**

The State College Borough Council met on Monday, November 21, 2011, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Mr. Filippelli called the meeting to order at 7:32 p.m.

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

Also present: Thomas J. Fountaine, II, Borough Manager; Sharon K. Ergler, Assistant Borough Secretary; Terry Williams, Borough Solicitor; Roger A. Dunlap, Assistant Borough Manager; Mark A. Whitfield, Director of Public Works; Carl R. Hess, Planning Director; Thomas R. King, Chief of Police; Charles J. DeBow, Parking Manager; Norma J. Crater, Accounting Supervisor; Linda Welker; Tax Assistant; Courtney Hayden, Grants Administrator James Meashey and Adam Smeltz.

Public Hour – No one was in the audience who wished to speak to Council about anything not on the agenda.

General Policy and Administration

Earned Income and Net Profits Tax Ordinance - Mr. Hahn made a motion to adopt the Earned Income and Net Profits Tax Ordinance. Mr. Rosenberger seconded the motion. The motion passed unanimously.

Official Reports and Correspondence

President's Report: Mr. Filippelli reported that Council will hold an Executive Session following this meeting to discuss personnel.

Council recessed to a work session at 7:35 p.m.

2012 Proposed Budget

General Fund – A Council member said they never finished the review of the General Fund at the last work session. He questioned that only \$100 was budgeted for room rentals. He said are there community organizations that are using the room and are not paying for it. Staff said there is a policy on room rentals and the costs associated with it covers the custodial fees. Staff said they would be happy to share that policy with Council. He questioned why PennDOT uses rooms in the Municipal Building constantly and why are they not required paying the rental fee? Staff said the Borough has an Agility Agreement with PennDOT and we work hand-in-hand with them.

Police – Chief King stated the majority of increase in the Police budget is with the contractual raises for police personnel. This is the last year of a five-year contract. Services increased slightly in College Township to 260 hours a week and Harris Township at 74 hours a week. The line item for non-union personnel remains the same. The Special Services Director is no longer in the Police Budget. These duties were reallocated to the Administrative Budget. This staff person will be retiring at the end of this year and the department is reorganizing that entire task. The department is status quo in terms of the budget. The biggest equipment purchase will be the purchase of protective face shields and ballistic vests. He stated the biggest change keeping the department down is last year

Council added back to 65 officers and we are now back to 62 officers. It was noted this reduction was due to retirements.

Mr. Morris noted the reason Council authorized the extra officers last year was because of concerns with response time to certain calls or to be able to respond more quickly to calls. He asked if this would happen again because we are back to 62 officers.

Chief King responded the Police Department has the activity and the need for 65 officers. The challenge is what we can afford. He noted there is concern when you are at 62 if you suffer a long term injury or maternity leave. You hit a critical level if you go too low and it gets challenging. Sixty-four officers is a good solid number we can continue to maintain.

Mr. Morris stated we raised taxes before for these officers and wondered if we should do it again to get more officers. One of the services people appreciate is Police. If it is noticeably less effective because it is under-funded, people would be able to pay extra taxes.

Mr. Fontaine noted that although the Police Department was increased to 65, there was no long term funding commitment. There was a transfer from the fund balance to accommodate the extra officers.

Ms. Lafer stated residents appreciate when police show up rapidly. The potential of being down below 62 can be a real problem. She suggested Council look at ways to bring the officers back up to 65. These are people we really need.

Council discussed funding of the police staff, hiring new recruits, filling vacancies and retirements. They also discussed the overtime figure in the budget. Chief King noted two-thirds of the overtime is reimbursed by somebody. We receive one quarter of a million dollars from PSU, and we are reimbursed from the State College School District for football detail and for holding DUI sobriety checkpoints. What we are not reimbursed for is court appearances, supervisors covering shifts, last minute calls after a shift, etc.

Council also questioned the number of hours spent in College and Harris Townships. The Chief explained the contractual arrangements we have with these townships and noted the contract is based on a five-year trend. We base the level of service for the upcoming year. One or two officers are out there during the day. We know about how many hours a week the townships need to purchase. Just because the township adds hours doesn't mean we have the staffing.

Mr. Hahn thanked the Chief for doing such an excellent job with limited resources. He stated he just came from a PLCM meeting and heard about sister cities and a Borough that have been under some very stressful financial situations and 65 are meritorious. You do such a great job with limited resources. This is also something about priorities.

Mr. Rosenberger noted the line item for vehicle depreciation dropped by 40%. He asked if the officers are taking much better care of their vehicles or if the cars are getting much better. The Chief responded some is a timing issue. The cars do not get replaced unless needed.

Mr. Filippelli asked if we put back those additional officers if the monies needed would be out of the reserve. Mr. Fontaine responded we could increase taxes or take the money from the unreserved revenue, which could be done for another year without having to increase taxes.

Parking Enforcement – Mr. DeBow stated this budget is status quo. There are no changes to what was proposed last year. The big difference in this budget is the increase in personnel costs due to changes in employee health care. The operating cost is down slightly.

In response to a question from Council, Mr. DeBow stated the Borough does not incur any costs with the payment option to pay by cell phone. That cost would be a user fee to the cell phone user.

A Council member questioned the parking enforcement fringe benefits. He noted this year it is \$18,000 more than was budgeted previously. Benefits went down so what was budgeted. Mr.

DeBow noted due to open staff positions; overtime was used to cover the vacancies. Mr. Daubert questioned that there was \$137,000 and no one was hired. The extra money could pay the overtime. Mr. DeBow stated there was unbudgeted overtime in therefore the State Patty's Day weekend, mainly due to vacancies and turnover of 2.5 positions this year.

In response to a question from a Councilman, Mr. DeBow stated they are looking into the meters being set up for cell phone payments beginning next year. Mr. DeBow also discussed the kiosks in the lots. There will be no additional costs for the parking lots. He also noted the DID is discussing downtown employee parking.

Mr. Rosenberger also questioned what better proposals are being considered for downtown parking. Mr. DeBow stated the focus is the night time on-street capacity level being used mainly by employees. Mr. Rosenberger also asked about enforcement until 8, 10 or midnight. Mr. Fountaine stated staff was actively pursuing that discussion when Mr. Alessandrine left DID. Staff agreed to postpone these discussions until DID has a permanent director.

A few Council members expressed interest in multi-space meters, specifically in the lots. One said he personally thinks it might be a good idea. Mr. DeBow stated these meters are extremely expensive. The tendency is to stick with single-space meters and they are easier to enforce. Mr. Morris asked if staff was thinking about buying up-to-date meters that take credit cards. Mr. DeBow stated it would be a great idea in the future.

With respect to the comment about the average occupancy in garages, Council asked if this 47.6% average occupancy was out of a 24-hour calculation. Staff responded that it was.

Ms. Lawrence noted the DID assessment on our parking garages and she only saw one listed. She wondered how much are the others? Mr. DeBow responded there were a total for 7 properties. Mr. DeBow explained that the miscellaneous \$75,000 operating grant that the Borough provides for DID. Ms. Lawrence asked if janitorial services were in there. Mr. Fountaine noted the KLEEN team does not clean the parking garages. The Public Works labor services covers all custodial and maintenance work to the parking fund. This covers all of the off-street parking system.

Ms. Lawrence asked how much the parking fund subsidizes for the parking for merchants. Mr. DeBow stated we sell validations to the DID for 25 cents or \$10,000 to \$12,000/year. He noted the second part, which is much larger, is the holiday parking program for free parking at garages and at the meters.

Mr. Rosenberger noted last year the fund added \$53,000 to the reserves. This year, they are estimating over \$850,000 in the capital items. Mr. DeBow noted the large increase this year is from the expected payment for the land transfer agreement for Fraser Centre. He noted \$480,000 will be needed for the Pugh Street garage upgrade and normal maintenance. He noted we do not have exact costs yet. The costs will be capitalized over 5 years. We are meeting expenses overall for the parking fund.

Planning and Zoning – Mr. Hess gave some highlights of this budget; which include funding for a full-time planning intern in lieu of a parking technician. This will be a full-time, 40 hour/week paid position. The intern has earned her master's degree and wants to get experience in a municipal planning operation. The Downtown Master Plan item will be a highlight for a number of departments in the Borough. Fee changes are considered in the planning department, zoning, inclusionary housing fee and we will be dealing with those when we talk about the fee schedule. Under the professional services item, the funds will be used for preparing graphics or other visualizations for people to better conceptualize. The amount of \$7,500 proposed is to assist us with that type of material. Overall budget amount is down a little, due to the change in the Planning Technician to a Planning intern.

A Council member asked Mr. Fountaine, where in the budget are the options for increased expenditures? Police, part-time Public Works, increases in the areas of IT services and county tax collection, which are paid for by the Regional IT and the collection of taxes. He asked if this was a result of shifting and moving programs. He stated he had some concern about the level of

enforcement of the 3-unrelated and student housing ordinance and wondered if we would be able to get adequate enforcement. Mr. Fontaine responded there has been a vigorous increase over the last 8 years on these types of violations. The challenge is identifying properties violating the occupancy limits. This is not always evident while on patrol. Residents see people coming and going. We need to take an aggressive approach to enforcement. These violations are at the highest level they have ever been. Staff has adjusted scheduling and hours of shifts and are placing a strong presence in the field. Challenge is finding the problems and limitations in the zoning code of enforcement processes.

Mr. Hess discussed the dotted line connecting part of DOEPH. That is where the field officers have been expanded. The Zoning Officer works with ordinance enforcement. There is staff in DOEPH that will be helping out. This will be in place for a couple of years. The arrival of the planning intern will take some of the work off of the Zoning Officer's table and provide an opportunity to work on permitting, enforcement, etc. Mr. Hess stated we hope we hear more complaints. He stated if Council is hearing complaints, he hopes they will pass those on to staff.

Mr. Filippelli stated a lot of the frustration is not with the enforcement but with the agonizingly long period for anything to happen. Our hands are tied. It takes an incredible amount of time to resolve these violations. Neighbors are frustrated. Perhaps we should beef up the ordinance.

Mr. Daubert noted under strategic objective, no priorities are given. Council was not supportive of the Land Area Plan and the future land use map and he hopes staff does not spend much time on that.

Council also asked why Parking Optimization is not being handled by the Parking Department. Mr. Hess stated the two get blended together. This is a project where we anticipate a shortage of available parking.

Mr. Daubert noted in the past, there was no other zoning officer other than Mr. Hess. Mr. Fontaine stated there has been a consolidation of enforcement activities into one entity to better utilize staff more effectively. We went from one full-time to 3.5 full-time now, which includes supporting the zoning office without reducing enforcement. Field work is handled by a different division.

Ms. Lafer stated she agrees with not spending time on the land area plan. We need a plan but a good start would be to discuss what we want in place of it. Somewhere along the line, we need to define exactly what we want on and in it. This piece of the puzzle hasn't been addressed. As to zoning and enforcement, enforcement has become more visible and more effective. They come when the neighbors call and are very responsive. Getting students out does take entirely too long. She wondered how we make this a problem for the landlords. One neighbor said everything in the world seems to be grandfathered. We need to review this as we go forward. This is something that has to be followed up on.

A Council member said she was surprised no consultants are listed under planning and zoning and asked if we have you stopped using consultants. Mr. Hess noted that is covered in line item 312 – Professional Services - \$7500. The Downtown Master Plan that will involve consultants and that would be under the Capital Budget. We are responding to a very tight budget environment. None are proposed under DOEPH.

Ms. Lawrence asked what a contract employee is and how are they different from a consultant. Mr. Hess stated that are similar but are not in a fixed term position and are not on the payroll. They are paid through a contract. This position is for the Block Grant program. The contract with the County Housing Authority and the County Office of Planning and Community Development are reimbursed to us for those services. The money for the contract employee pays this employee to write larger reports for us, etc. Contract for services is very effective.

DOEPH - Mr. Hess stated this budget proposes an increase in enforcement staff. The department is currently sharing an Ordinance Enforcement Officer (OEO) with the Parking Office. The department has an OEO who is now the senior officer and a full-time OEO and half-time OEO that will be shared with parking. We are currently working on filling that half-time position. The 2012 budget includes a neighborhood services line item that has been moved from DOEPH to Administration.

This presentation wraps up the budget part of tonight's meeting. Council adjourned to an Executive Session to discuss personnel matters.

The meeting adjourned at 8:36 p.m.

Respectfully submitted,

Sharon K. Ergler,
Assistant Borough Secretary