

Meeting Minutes
State College Borough Council
Work Session
May 30, 2012

The State College Borough Council met in a work session meeting on Wednesday, May 30, 2012, in the State College Municipal Building, 243 South Allen Street, State College, PA. President Hahn called the meeting to order at 6:30 p.m.

Present: Donald M. Hahn, President of Council
Thomas E. Daubert
Catherine G. Dauler
Ronald L. Filippelli
Sarah Klinetob
James L. Rosenberger

Absent: Peter Morris
Elizabeth A. Goreham, Mayor

Also present: Thomas J. Fountaine, Borough Manager; Debra A. Lang, Staff Assistant; Thomas R. King, Chief of Police; Mark A. Whitfield, Public Works Director; Courtney Hayden, Communications and Grants Coordinator; Carl R. Hess, Planning Director; Anne Messner, Planner/Acting Zoning Officer; Meagan Tuttle, Planning Intern; Kevin Kassab, Supervisor of Inspections; Kate Doe, Neighborhood Services Coordinator; Jessica Vanderkolk from the *Centre Daily Times* and interested citizens.

Also present were the following Neighborhood Association representatives: Bill Hartman (Holmes-Foster); Sally Lenker (Tusseyview); Donald Hopkins (College Heights); Ron Madrid (Holmes-Foster); Sue Rogacs (Greentree); Mark Johnson (Greentree); Dave Baker (South); Anne Bolser (Vallamont) and Ron Deck (Highlands).

Public Hour – Hearing of Citizens

Theresa Lafer stated she wished to thank the Health and Ordinance Enforcement offices for the actions they took on the feral cats in her neighborhood last week. She stated it has taken 5 years to do this. She stated the report that was done 5 years ago was disingenuous. She stated licensing 25% of the feral cats in the Borough would provide a significant amount of money in the “kitty” for enforcement. She felt Council should look into small fees and licensing for cats.

Susan Venegoni of 323 East Fairmount Avenue noted there are no crosswalk lines painted on the roadway coming out of the parklet across the street to this building or at the post office. She felt this was a safety issue that should be addressed with either a pedestrian crossing sign or painted crosswalk lines. Mr. Whitfield noted the line had previously been there but have probably worn off and staff will replace the lines this spring.

Introductions of Council members and Neighborhood Association representatives were made. Mr. Fountaine discussed the packet of information distributed. He discussed the Restorative Justice Program and changes to the noise ordinance. He also noted zoning matters are governed through state regulations.

Mr. Fountaine discussed goals established by the Borough and noted these goals are consistent with past practices. He discussed the outline/procedures used by staff to better track complaints and advised those present, currently, there are four different databases used for complaints, however, the Borough is currently working on alleviating this with new computer programs that will allow staff to compile complaints, etc. into one file.

He noted zoning complaints take longer because of the state laws and appeal rights. He also discussed cases that have been won and lost by the Borough on zoning matters.

Mr. Hahn opened the meeting to the Neighborhood Representatives.

Ron Deck stated he just wanted to thank the Borough for taking the time to meet with the coalition.

Bill Hartman thanked the Borough for the packet of information provided. He stated he thought this information would be very helpful and gives them some confidence in the fact that the Borough is working on these issues. He stated starting the dialogue helps.

Sue Rogacs stated her dealings with Anne Messner have been wonderful. She has responded promptly. She stated these aren't really complaints but comments. She stated we all live in this lovely town and we all want to see the town prosper. She discussed a home at 851 Webster Drive which was purchased a year ago. She stated she had heard from a neighbor that the new property owners were going to be renting it. She stated she contacted Anne Messner for a list of rentals in Greentree. Ms. Messner added that 851 Webster was applying for a student rental and that the owner said that it would be temporary. However, Ms. Rogacs stated her understanding was that once something becomes a student rental it will remain a student rental in perpetuity. She was informed that the neighbors should be informed when this happens.

Mr. Fontaine responded, in response to concerns, the Borough is changing the policy to notify adjacent properties when a student home permit is applied for and for when certain home occupation permits are applied for. He noted that not all home occupations require a permit so not all home occupations would be known.

Ms. Rogacs noted this student home is surrounded by families with multiple children and the neighbors do not know year-to-year who will be living in that home. What bothers the neighborhood association is that they were not notified. She asked when the 30 day appeal process begins. Mr. Fontaine responded the appeal process starts when the appellant knows the permit was issued.

Mr. Fontaine stated there is an opportunity to appeal within 30 days. He stated someone can appeal the issuance, but someone would have to show that there are no other student homes within 675 feet, which is possible. He stated there are non-conforming uses that the Borough is not aware of.

Ms. Rogacs stated shortly after this situation, they found that there was a rental 2 houses down that had never applied for a permit and she notified Ms. Messner. She stated it makes her worried. She stated it seems that the burden is on the residents.

Mr. Fontaine stated the neighborhood residents are more able to detect these problems because they see the daily comings and goings of residents. He stated a notice will go out about the new student home regulations. We will then create a new map based on the feedback we get from this notice. As long as the person requesting a student home permit fits the guidelines of the zoning ordinance, they can obtain a permit and cannot be denied because it is a right by use. He stated Council could ask the Planning Commission to review the new zoning ordinance.

Mr. Hahn stated prior to the new ordinance, the distance between student homes was 225' (a distance of 2 or 3 homes), and with the new ordinance, we've tripled it to 675' (a distance of 6 or 7 homes), and this may be the reason the residents on Webster were not notified.

Ms. Rogacs stated even one home will be a nuisance in a neighborhood with family homes and young children with young students and lots of cars.

Mr. Fontaine stated what we find is that the quality of life issues depend on who the tenants are now, and change as the tenants change. There are a whole series of other things the Borough can use to respond to problem tenants. What we've seen in benchmarking with other communities is that these nuisance ordinances have an effect on things such as noise. The nuisance property ordinance has been in effect for about ten years. This ordinance allows properties to obtain points for nuisance violations at the risk of losing rental permits. The thing that he would encourage is to reach out and be good

neighbors. He stated when neighbors interact with neighbors; we have seen that there is less noise, less nuisances, and a better quality of life.

Mr. Hartman asked if there is a cost for a student home permit. Ms. Messner responded that it is dealt with the same as a change in use permit and the cost is \$40. Mr. Hartman asked if it is possible to increase this fee. Mr. Fontaine responded that Council can change the cost of the fee, but it must be based on the cost for staff to accept the permit and create the change in use. Mr. Hartman asked if a student home permit is issued in perpetuity. Mr. Fontaine responded that state law requires a property owner to abandon use consciously by stopping renting to students. He stated there have been some new procedures for determining abandonment.

Ms. Rogacs stated she was confused. She stated a College Heights resident, last year, told her the residents in that neighborhood were notified of a student home permit; but the residents in Greentree were not notified this year. Mr. Fontaine stated there was a breakdown in the system in this instance and that is being corrected. He noted some of the reporting procedures are new and as with any new procedure, there are some glitches.

Ron Madrid stated he wished to commend Mr. Fontaine and staff on their thoroughness. He stated this is one time "the squeaky wheel got the grease". He felt much of this is an issue of perception from the view of the neighborhood associations. He stated "little bumps in the road tend to fester". He stated he believes that the packet of information distributed shows the work the Borough is doing to address the neighborhood issues. He asked what the ramifications of being in violation of the nuisance ordinance or student home rule were.

Mr. Fontaine stated there is no penalty for failure to apply for a rental permit. As long as the home meets all the code requirements, it can be given a rental permit. Failure to have a student home permit would result in an investigation that ultimately leads to voluntary compliance or a filing of a citation with the magistrate. He stated a long appeal process can then occur.

Mr. Madrid stated ignorance of the law is no excuse. He felt the Borough should consider a penalty for the rental suspension process and suggested an immediate penalty of 5 points.

Mr. Fontaine stated since the rental suspension process is outside of zoning, we may be able to pursue additional penalties to the suspension and staff can look into this.

Ms. Rogacs asked what if there is a fire in a rental that does not have the proper permits and there is serious injury or a fatality. She stated she agrees that there should be some monetary fee for failure to seek rental permits, etc.

Mr. Madrid stated many times when Council is presented with a challenge; the excuse is that resources are limited. He thought if the Borough came back to the community and asked if they wanted more resources for an increased cost, he thought that there would be minimal resistance.

Donald Hopkins asked if the Borough has any sense of how many non-conforming student rentals there are in the municipality. Ms. Messner responded that we have about 200 non-conforming uses reported. The student home registry is independent of that list. She said what we would need to do is go back in time and see what properties no longer meet the new requirements. It would be a similar effort to what we did in 1997. She noted staff plans to do just that this summer.

Mr. Fontaine stated again, that the best information we get is from the neighbors. When we receive information from residents, we can begin an investigation. There are some dead giveaways occasionally that we address through officer initiated investigations.

Sally Lenker stated she felt the Borough staff has always responded to any calls she has made regarding issues and was very pleased with the response. She stated she agreed that it is up to the residents in the neighborhood to watch for these issues. She stated she did not expect Borough staff to be walking the streets identifying these problems. She asked if when the Borough talks about students, if that

includes graduate and undergraduate students and wondered if, when staff does discover a rental permit that houses graduate students and that property does not have a student home permit, what happens?

Mr. Fontaine stated we did have an instance of this and the graduate students were required to move as per the ordinance.

Ms. Lenker asked if there is a home within the 675' radius that is found now, if they still get a permit by the use of right. Mr. Fontaine stated they do not and the student home is closed. Ms. Lenker questioned the points system and asked what types of issues incur points. Mr. Fontaine listed several of the ordinances that would allow the Borough to assign points for violations. Ms. Lenker asked what period of time is given to a property to accrue 10 points. Mr. Fontaine stated if a property accrues 10 points in a rolling year, suspension action is taken. He noted when a property accrues 5 points, they are sent a letter and this is usually when the property owner gets more involved. When the property accrues 10 points, the property owner will be sent a suspension letter and the property owner can request a hearing. Once the hearing is held, a decision is made whether to suspend the rental permit, vacate the suspension or enter into a consent agreement. In response to a question from Ms. Lenker, Mr. Fontaine stated the permit is suspended for 6 months, not revoked. In response to a question from Mr. Madrid, Mr. Fontaine stated once a property hits ten points, the suspension process is generally started automatically.

Ms. Lenker stated she did not think a suspension for six months is a sufficient penalty. Mr. Fontaine stated the property owners do not earn any rent on a property for six months, which hurts their pocketbook. He noted previously, the only penalty for over-occupancy was to get the situation corrected. Currently, if two over-occupancy violations occur within a four year period, it is automatically suspended, which is an improvement over the previous ordinance. Ms. Lenker suggested that we extend the period of suspension. Mr. Madrid suggested increasing the points associated with nuisances. He stated this is a vicious cycle of tenants changing each semester. Mr. Fontaine noted points do not expire when tenants change.

Mark Johnson stated nothing dissuades violators as much as being called out. Maybe it shouldn't be on just a need-to-know basis. He wished to thank all in attendance for their time. He stated he is very new to this and is encouraged by seeing all of his neighbors involved. He stated this is a complicated, deep-seeded matter. He stated living in a neighborhood that is least affected, he is worried that they are the next in line to College Heights. He stated he is thinking of submitting for a student home permit as a defense against other homes around him becoming a student home. He stated, in casual observation, he would think that the fees for penalties are too low. He would suggest that we need a cooperative effort. He thinks that we are going in the right direction. He stated he has postulates and great concepts that he would like to share with the committee.

Mr. Deck asked if the separation distance applies for student-owned homes. Mr. Fontaine responded that it did not and student-owned homes were not under the definition in the ordinance and these homes do not need to meet the distance requirement. He stated three different owners living in a home is a new issue. He stated the 3 unrelated rule is currently unresolved as it relates to owners. He noted we have one home in College Heights now where this situation has occurred.

Ms. Bolser asked what steps have been added with regard to coordinating with COG and is it part of the reporting system. Mr. Fontaine stated we have had limited reports from COG. Currently, we get a monthly report on building codes. We have been working with the Code Office and we expect a more complete set of information with the next quarterly report. He stated the Nuisance Property Task Force is a group of Borough and Code employees who meet monthly regarding specific properties. In the fall of the year, the group is expanded to include representatives from the university and meetings are held weekly during the fall. Kevin Kassab and other staff members meet regularly with the Code Administration on a regular basis to address other kinds of problems. Mr. Kassab stated he meets with Walt Schneider, the Code Director, every Tuesday.

Ms. Bolser asked if there was some way to put that information out to the public as well, perhaps on the website. Mr. Fontaine stated eventually, that is something that will be done.

Ms. Rogacs asked if there was some way to find out who pays the property taxes, etc. to see if something is going on when a property owner sells a home for one dollar to three different people. Mr. Fontaine stated if the deed is in the three owners' name, it doesn't matter who is paying the taxes or the insurance. He stated although they only paid a dollar for the home, in transferring the property, they did pay the full amount of the value of the home for the transfer tax.

Mr. Hartman stated this is a lengthy process and asked if there was a way for not resetting the points. Mr. Fontaine explained that points stay on the record for one year from the date the points were added. The points do expire, with the exception of over- occupancy violations, which is a four year cycle.

Mr. Daubert stated there are points and then there are "points". The thing that has not been brought up is that when we tweak the regulations, we need to make sure we do not lose what we already have. He is afraid that if we try to increase restrictions further and we lose a court case and we may lose the student home rule altogether. He felt we need to go slow and be very careful.

Mr. Rosenberger stated this is a lovely town, and it is partly a lovely town because it is a university town. We have programs to address some of the not so nice things about students like F8 and the LION walk. He wanted to thank the staff who rolls out these programs. He noted the Restorative Justice Program is another good program and he hopes we can incorporate this program in our system.

Mr. Filippelli stated it is very important that when we discuss the issues brought up tonight at Council that people from the neighborhoods also attend those meetings and give your opinion. He stated Council gets issues that come before them, they get complaints, and staff is trying to get on top of them, but when we bring them up at public meetings, often no one is there to comment. It is extremely important that the residents show up at these meetings. It is important in getting changes made.

Ms. Dauler stated, as a previous Neighborhood Association President, she knows how important this organization is. It's critical that the coalition stays active and interacts with Council and each other. She thinks some of the questions and suggestions they raised here tonight are things she hasn't thought about and are important to increasing the sustainability of our neighborhoods. Their participation is critical at publicly aired council meetings, hearings, etc. She urges them to keep moving forward.

Ms. Klinetob stated she is new to Council but she has lived in the west end of town as a student and will be moving to a house in College Heights in August. She noted the way she sees this is she looks at how we got here. She did not think that we would have grown our community so close to the university if we knew it was going to grow so big. She discussed the difficulty in finding a house in her price range and noted she lost many homes to bidding wars. She thinks we need to increase communication with the university about student housing demands. If there were more young professionals moving into the Borough there might be less incentive to turn homes into rentals. She stated she thinks we need to encourage businesses to come into State College to increase young professionals' interest in living here. She liked the ideas of increasing the cost of inspections, increasing points on certain violations, and continuing to have that information on the website. She also suggested possibly having a homeowner handbook on all the ordinances.

Mr. Hahn thanked all present for their time to come here and provide us with all the great insights provided tonight. He recapped the issues presented by the Neighborhood Representatives as follows:

- Improve feedback and follow-up communication;
- Notification of Neighborhood Associations of student home permits;
- Attach waiver language regarding student home permits or clarify it;
- Improve the website;
- Increase the consequences regarding permit revocation or suspension;
- Look into increased student rental fees;
- Increase resources towards enforcement;
- Consider a point penalty for not obtaining a student rental application.

Ms. Lafer stated she is also the Vice-President of the Highlands Neighborhood. She noted many of these issues have been wrestled with over the past several years and the Coalition has made many good points tonight; however, she felt we needed to close the holes to the scofflaws. She stated houses do not go down in value because students live there. She stated students can be enriching and the vast majority of students are good citizens. She said the problem is when they take over the neighborhoods and no one is there to notice it. She said we need a balance. She felt the 675' distance requirement will make a big difference. She said the neighbors are the people who need to keep an eye on what is happening. She felt this discussion tonight was a good start and it seems that everyone is "on the same page". She felt these issues should be dealt with but we should not panic over it.

Ms. Lenker asked why the Tusseyview Neighborhood was not listed on the data presented. Ms. Messner responded the data provided only listed neighborhoods where we have received complaints.

Mr. Hahn stated real estate prices in this area have risen; however, this is a great place to live.

Ms. Venegoni asked if there would be more meetings of this nature planned. Mr. Fontaine responded that they may not be exactly like this but Council could probably meet with the Coalition at least twice a year. Mr. Hahn reminded the representatives that they can also invite members of Council to their neighborhood meetings. He noted, however, that they would need to be cautious doing this because if more than a quorum of Council members attend a meeting, the meeting would need to be advertised.

Ms. Rogacs stated she appreciated the promptness of the Borough in responding to the Coalition. Mr. Fontaine stated he appreciated the feedback from the Coalition. He noted the issues here are also being dealt with in other communities. He stated State College is not unique in these issues in any way, shape or form. He advised those present that these issues are high priorities.

Mr. Hahn also thanked Mr. Fontaine for his interesting ideas and innovation on dealing with these issues.

There were no further comments and the meeting adjourned at 8:13 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary

Prepared by Debra A. Lang