

Meeting Minutes
State College Borough Council
Work Session
February 23, 2007

The State College Borough Council met in a work session on Friday, February 23, 2007, in the State College Municipal Building's Room 241, 243 South Allen Street, State College, PA. Ms. Dauler called the meeting to order at 12:05 p.m.

Present: Catherine G. Dauler, President of Council
Thomas E. Daubert
Elizabeth A. Goreham
Donald M. Hahn
Craig R. Humphrey
Jeffrey R. Kern

Absent: Ronald L. Filippelli

Also present: Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Borough Manager; Carl R. Hess, Planning Director; Michael Groff, Finance Director; Amy R. Miller, Recording Secretary; Norma Crater, Accounting Supervisor; members of the media; and other interested observers.

Public Hour. Simon Hawk, artist and life-long resident of State College, addressed Council on the subject of graffiti. Mr. Hawk urged council and the community to review the causes of these actions. He said educating youth instead of reprimanding them is most important. Mr. Hawk suggested creating a safe haven where artists could express themselves successfully and safely. He added that he does not condone vandalism on private property, but does believe in the art of graffiti in the appropriate place and at the right time. An example of an appropriate time is during the Arts Festival where the art is socially accepted, celebrated and easily cleaned up. Mr. Hawk requested a more appropriate time to return for a formal presentation to address Council to suggest alternatives. Ms. Dauler said Council would discuss an appropriate date and time for Mr. Hawk to return to speak at a work session.

Year-End Financial Report. Mr. Groff presented the 2006 year end financial report. He said the numbers were preliminary and the auditors were currently reviewing records.

Mr. Groff said about two-thirds of every general fund dollar that is spent comes from local taxes. In 2006 the tax department implemented Council's new tax strategy; the Business Privilege Tax (BPT) was repealed so income from the BPT went down. The real estate tax increased 2.735 mil combined with the implementation of a \$25,000 homestead exclusion which provided a \$251 tax break to qualified homestead properties. He pointed out that the 2006 earned income tax revenue remained almost flat, with a minimal increase of one percent. Mr. Groff said refunds were issued for police service to Harris and College Townships as well as to the State College Area School District for tax collection services, reducing revenue from those sources.

He noted that general fund expenditures were consistent with previous years. Mr. Groff said expenditures were under budget in the police department and public works, the two largest departments.

Mr. Groff said in comparison with the years 2003 and 2004 where expenditures exceeded revenues and funds were drawn from the reserve to make the budget balance, the surplus funds for 2006 will go back in to the reserves. He said the 2006 Budget called for maintaining an unreserved undesignated fund balance equal to 12 percent of general fund expenditures. Mr. Groff said the Borough is in stable financial condition.

Mr. Groff noted that the funding revenue from the real estate tax over the past 10 years showed a modest increase. He said he also expects a modest increase in real estate tax for 2007 because of the commercial development at Beaver Avenue and Garner Street which will be assessed for the first time. In addition, he noted, major assessment appeals are scheduled that could affect the real estate tax numbers, which is the Borough's primary local tax source.

Mr. Groff added for Pennsylvania, State College Borough is unusual in instituting the homestead exclusion.

Mr. Groff said the formal audit report should not differ much from his summary. He also thanked his staff for their continued excellent assistance.

Mr. Humphrey asked where the surplus from 2006 would go. Mr. Fountaine said the surplus is not intended for new projects, but rather to fund what is already planned in the Capital Improvement Program (CIP).

Mr. Daubert questioned the expected loss from the Emergency and Municipal Services Tax (EMST) in 2008. Mr. Groff replied there is an expected loss of about \$500,000 in revenue. Mr. Daubert said that just because the Borough is saving money at present, does not mean that

everything is great. Mr. Daubert said many times Council has been told public works projects cannot begin due to lack of staff time and suggested adding a part time person to help get the projects done. Mr. Fountaine said there have been times in the past when projects could not be completed, and a more realistic estimate of the projects staff can manage appears in the current CIP. Mr. Fountaine said projects can also be delayed beyond staff's control, for example, when CDBG funding is not released. Mr. Daubert asked for an updated report of CIP projects.

Mr. Kern said the Borough saved money not hiring a police officer immediately to fill a vacancy but this shortage of manpower can be a detriment to the community.

Ms. Goreham asked if tax assessments are altered if there is a sale of the property. Mr. Groff said tax assessments are done only if a building permit is issued for to add to the structure.

Mr. Fountaine noted that not filling staff vacancies was not a budget tactic to save money. The vacancies that remain open do not affect the performance of officers on the street.

Cooperative Funding for Pool Renewals. Mr. Fountaine stated that the Centre Region Council of Governments (COG) has requested municipal comment on whether the borrowing for the Welch and Park Forest pool renewal projects should be regional or whether each municipality should pay its share of the cost and finance this share as it sees fit. He said COG requested Council's thoughts by March 6 for distribution to the COG Finance Committee.

Mr. Daubert said the decision was tough to make because of the expense of the pools and the percent of usage of the pools. He said the pools would cost about \$8-9 million which would be about \$600,000 per year but added some money will come from usage fees. Mr. Daubert said whatever decision Council makes at this time is not a final decision.

Mr. Kern said regional funding is reasonable; Ms. Dauler and Ms. Goreham agreed.

Council agreed regional financing for the pools was the best option with some periodic adjustment of the municipal shares of the debt service requirement based upon the COG formula.

Graffiti Ordinance. Mr. Fountaine said at the February 5, 2007, meeting Council received a proposed ordinance to require owners and occupants of private property to remove graffiti on their property. Council addressed several issues and possible changes to the ordinance. Mr. Fountaine asked Council to review the proposed ordinance and suggest any additional changes needed.

Mr. Kurtz said the proposed graffiti ordinance is different from the issue that Mr. Hawk brought up. The definition of graffiti in the proposed ordinance is that it is applied without the authorization of the property owner.

Mr. Kern asked for specific locations of the graffiti. Mr. Kurtz said locations were stated in the information distributed to Council; there is no particular pattern to the graffiti locations. Mr. Fountaine said most property owners comply with removal. However, the problem is much like vandalism; if the graffiti is not cleaned up promptly it contributes to additional graffiti. The issue was raised by some property owners which warranted consideration by Council.

Mr. Kern questioned if the Borough has cleaned the graffiti. Mr. Kurtz said the public works crew had been cleaning private dumpsters but have since stopped because the dumpsters are private property.

Mr. Daubert said he received a letter from Borough staff stating that eliminating graffiti was the Borough's number one priority. He disagreed and asked that the statement be removed from the letters. He added that the enforcement staff and police should not be giving exceptions; the ordinance should determine the exceptions. Mr. Daubert said the ordinance punishes the victim; which he feels is always the case. For example if a sidewalk is broken by street tree roots, the victim is required to pay for the damage.

Mr. Humphrey agreed with Mr. Daubert. He said he has graffiti on his property but cannot clean it because of the inclement weather. Mr. Humphrey added the letter is good, but there needs to be ample time for cleaning the graffiti.

Mr. Hahn said he is in favor of a graffiti ordinance with modifications.

Mr. Goreham said she can see both sides. She believes properties should not be defaced without repercussions. Mr. Goreham quoted an email that was received from John Simbeck recommending assistance from the Borough with the clean up of graffiti.

Mr. Kurtz said Borough crews were initially cleaning the graffiti on private dumpsters but a liability issue was raised. Graffiti on public property is the Borough's responsibility. Mr. Kurtz added that DID employees do a good job cleaning up properties in the District. He noted that private property is different and the Borough does not provide assistance. Mr. Fountaine said the police force attempts to make arrests and make restitution for the crime.

Ms. Dauler said everyone is a victim. She said if graffiti is not cleaned, then it promotes additional graffiti which she has witnessed firsthand on a building at Penn State. For many days she walked past a building on campus and each day there was a little more graffiti. Ms. Dauler said when she contacted Penn State to point out the graffiti, it was cleaned and the graffiti has not returned. She added that there are standards in the community that residents much live by.

Mr. Fontaine asked for Council's consensus on the ordinance. Mr. Humphrey said revisions should be made and the ordinance brought back for further review.

Mr. Kern said he will probably vote against the ordinance, but he agreed with rewriting the ordinance for further review.

Council agreed to modify the ordinance for further review next month.

Transportation Update. Ms. Goreham, representative on COG's Transportation Committee, updated Council on transportation issues. She said there are seven major highway projects on the long range transportation plan. She said the Committee requests Council's thoughts and ranking on each project. The Committee hopes to finalize the list at their meeting on March 23.

Ms. Goreham said the Committee's top priorities are as follows:

1. Reconfiguring approach to North Atherton from Park Avenue and upgrade signal at intersection.
2. Route 26/45 Intersection in Pine Grove Mills.
3. Park Avenue Widening.
4. West College Avenue Widening.
5. Centre County Regional Traffic Management Center.
6. Waddle Road Corridor.
7. Airport Road Connector.

Ms. Dauler said that widening a portion of Park Avenue is not a priority and should be placed at the bottom of the list. She said that pedestrian crossing would be much more difficult. Ms. Dauler added that the regional traffic management center should be moved to a higher priority. She also said the Pine Grove intersection should be given higher priority because of the dangerous sight lines at the intersection.

Mr. Kern agreed with Ms. Dauler's comment on Park Avenue and said if cars are going slowly, pedestrian crossing will be easier. Park Avenue should be a very low priority.

Mr. Hahn said he endorses all comments thus far.

Mr. Daubert agreed and said that too much residential property would have to be taken to widen Park Avenue. He added the West College Avenue widening from Corl Street to Science Park Road would require taking the churches which is a horrible idea. Mr. Daubert said the airport road connector would not help anyone except for the research park. Ms. Goreham said the idea behind the airport road connector is the key for development. Mr. Fontaine added that the airport road connector will benefit traffic to the airport from other areas from the west via the bypass.

Mr. Daubert said a regional traffic center is a waste of money and it would be managed by PennDOT which would be detrimental. Mr. Whitfield said a regional traffic system would be beneficial, depending on the location. The advantage would be to link all traffic signals together and have a central command center.

Ms. Goreham said an earmark was allocated for coordinating traffic lights on North Atherton Street and believes that a central command center is a great idea. Mr. Kern asked where the command center would be located. Mr. Whitfield said a location has not yet been determined; location choices could be Clearfield, Bellefonte, or even State College. Mr. Kern said the Centre Region needs to have a local override option as part of the operations of the center.

Ms. Goreham said even though expensive, the Waddle Road corridor would facilitate use of the bypass and be a major link between Toftrees, the airport and the rest of Patton Township.

Ms. Goreham restated Councils' suggestions for prioritizing the transportation projects as follows:

1. Route 26/45 Intersection in Pine Grove Mills.
2. Centre County Regional Traffic Management Center.
3. Waddle Road Corridor.
4. Airport Road Connector.
5. Reconfiguring approach to North Atherton from Park Avenue and upgrade signal at intersection.
6. West College Avenue Widening.
7. Park Avenue Widening.

Review of COG Agenda February 26, 2007. Ms. Dauler said the COG General Forum agenda was straightforward. She said the marketing material for the beneficial reuse project will be distributed again and is very well done.

Mr. Humphrey said the new PAWS kennel will require an amendment of the just established regional growth boundary. Ms. Dauler said reading through the material will give a better understanding of the project. She said Council will find that there are good reasons why the sewer extension for the PAWS project is being explored.

Ms. Goreham asked if zoning notices could be posted on signs in the Borough as well as on C-Net for a new standard in letting the public know of zoning changes in the Borough. Mr. Fountaine said Borough crews do post signs when a proposal is site-specific as well as on-line. He added that the agendas are posted on C-NET and specific details could be added to refer them to our website or planning office. However, he said maps cannot be put on C-Net because C-Net's system is text based.

Mr. Fountaine reminded Council of the PLCM Central District meeting on April 4 and asked Council to let Amy Miller know their dinner preference.

There being no further business, the meeting adjourned to an executive session at 1:52 pm.

Respectfully submitted by:

Cynthia S. Hanscom
Assistant Borough Secretary