

**Meeting Minutes**  
**State College Borough Council**  
**Work Session**  
**June 1, 2007**

The State College Borough Council met in a work session on Friday, June 1, 2007, in the State College Municipal Building's Room 304, 243 South Allen Street, State College, PA. Ms. Dauler called the meeting to order at 12:08 p.m.

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

Also present: Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Borough Manager; Carl R. Hess, Planning Director; Amy R. Miller, Recording Secretary; Mark Whitfield, Public Work Director; Mark Henry, Health Director; members of the media; and other interested observers.

**Public hour.** There were no comments from the public.

**Local Ordinance to Prohibit Smoking in Public Places.** Mr. Fountaine said because the Commonwealth Court decision would make any locally adopted ordinance regulating smoking unenforceable, staff recommends Council cancel the previously scheduled public hearings and the consideration of a local ordinance. He added that Council should instead focus attention on this issue by encouraging the legislature to act on a law with state-wide applicability or to authorize municipalities with a local option to enact ordinances regulating smoking.

Mr. Daubert agreed but said Council should keep track of the state situation in order to follow up at a later date.

Ms. Goreham suggested highlighting local bars and restaurants on the Borough's website that have implemented their own decision to keep their establishments smoke free.

Mr. Henry said the Centre County Tobacco Coalition is in the process of updating their information which will be added to the Borough's website. He added that information will also be available in the Borough offices regarding smoke-free local establishments.

Mr. Hahn said that in an effort to help the statewide efforts, a public hearing for citizen comments might be beneficial.

Mr. Kern said he agreed with not proceeding, but thinks Council should write letters to legislators and stay proactive.

Mr. Filippelli added that passing a resolution would show support and may encourage bars and restaurants to follow voluntarily.

Ms. Dauler said she liked the idea of a formal statement by Council to recognize the interest in this issue in the community and their request to inform the public of the dangers of second-hand smoke.

Council agreed to consider a local resolution showing their support.

**Ordinance Prohibiting Discriminatory Practices in Employment, Housing and Public Accommodations in the Borough of State College.** Mr. Fountaine said Council previously heard a presentation from Dr. W. Terrell Jones, Chair, Centre County Advisory Council to the Pennsylvania Human Relations Commission, asking Council to consider an ordinance to include sexual orientation and gender status to the anti-discrimination rules as they apply to employment practices. He said Council then directed staff to draft an ordinance for this purpose. He added that a draft ordinance had been prepared by staff and attached to the agenda. He said the draft ordinance would amend the Borough's existing anti-discrimination ordinance to incorporate employment and public accommodations in the regulations.

Mr. Fountaine noted that Council is asked to discuss the draft ordinance, provide staff with any amendments to be included and provide direction to staff for the disposition of the ordinance. He said staff also recommends that Council schedule a public hearing on this ordinance prior to final consideration. Mr. Fountaine reminded Council that the Borough already has a fair housing ordinance which would eventually need to be merged with the new ordinance, but merging the two may not be easy. He asked Council how they wished to proceed.

Mr. Filippelli said a draft ordinance merging the two should be prepared. He asked if the two ordinances were merged, would the new ordinance replace the fair housing ordinance. Mr. Fountaine said the Borough could maintain two different ordinances, but suggests merging them into one.

Mr. Daubert said he preferred not to take the fair housing ordinance off the books. He added that age exceptions were not specified in the draft ordinance. Mr. Fountaine replied that the definitions are consistent with the state and federal law and should be above age 18.

Mr. Daubert added that the fair housing ordinance was enacted over 15 years ago and there has yet to be a formal complaint hearing. Mr. Fountaine replied that the Borough needs to have a procedure in place in order to be prepared to handle complaints should the Borough receive them. He added that the "expanded procedures" in the draft ordinance are not activated unless additional action is taken by Council, so mediation would be the only option available if the ordinance is enacted as drafted.

Mr. Kern said before Council passes the ordinance staff should be trained on enforcement. Mr. Fountaine noted the ordinance would designate the Manager as the contact point for complaints but he would likely delegate responsibility to the Human Resource Director. He added that funds would be allocated in the budget for conducting the hearings, and noted that Council would determine the allocation. Mr. Kern asked if other towns have a similar ordinance. Mr. Fountaine said West Chester is similar to State College; they also have no complaints filed under their ordinance which has been in effect for three years.

Mr. Hahn suggested staff research other municipalities to determine if any have a similar ordinance. He added that he was not on Council when the Borough created its fair housing ordinance, but understood a lot of work went into its creation.

Mr. Kern said he is leery about a Human Relations Commission in terms of staff time involvement. Mr. Fountaine replied that investigations are time consuming and there is no way of determining the case load.

Mr. Daubert asked if the Human Relations Commission would have a relationship with the State Human Relations Commission. Mr. Fountaine replied that the local Commission's charge would be strictly to administer the local ordinance. Mr. Filippelli added that the Borough currently does not have a Commission that deals with sensitive and highly confidential issues and reminded Council this should be considered when establishing the Commission. Mr. Kern agreed and said appointing members should be done with careful consideration.

Mr. Fountaine said the Commission would be similar to the Zoning Hearing Board in how decisions are made, but also like the Civil Service Commission in dealing with sensitive information.

Joanne Tosti-Vasey, speaking on behalf of the Human Relations Commission, said as soon as the Borough enacts the ordinance, she will solicit similar actions in the surrounding communities. Ms. Tosti-Vasey distributed a brochure on the operations of the State Human Relations Commission for Council's information. She added the need for a Commission is crucial because there is no protection and enforcement at this time.

Ms. Tosti-Vasey then indicated there were many suggested changes to be made on the proposed ordinance and would forward the information to Borough staff.

**Proposed Changes to Street Classification ADT Thresholds.** Mr. Fountaine explained that Borough Council previously received a recommendation from the Transportation Commission on proposed changes to the street classification policy. He said Council requested the Commission review and propose changes to the policy after Borough-wide traffic counts were completed in 2003. He noted that the traffic counts indicated that nearly 33% of all streets in the Borough exceeded their classification rating.

Mr. Whitfield then explained how streets were reclassified based upon the volume of usage. He said the kind of traffic was difficult to determine because you cannot assess who lives in a particular neighborhood or who is "cutting through." He added that all traffic has an effect on the livability of the street.

Ms. Goreham said the proposed new classification system has merit, but the thresholds for mitigation need to be at a level that keeps the residents content. She added that the reclassification should be passed with codicils and comfortable traffic areas should be maintained throughout the neighborhoods.

Ms. Dauler suggested including in the policy the threshold where the traffic mitigation would begin. She added if there are exceptions, the exceptions should be discussed with Council.

Mr. Daubert said the thresholds should be a guideline, not a policy. Mr. Kern said the original paper was a guideline not a policy. He noted that every resident has the right to come to Council and express their concerns.

Mr. Filippelli said the policy becomes a Borough policy; not a policy for residents. He added that when a street is overloaded with traffic it is time to mitigate.

**Parking Business Plan.** Chris Falzone, Chair of the Transportation Commission, distributed comments from the Transportation Commission to Council on the parking business plan. He said the Commission endorsed the changes proposed in the plan and suggested moving revenues generated from parking to the Parking Department from the General Fund and standardizing and extending the enforcement period on all meters. In addition, he said, the entire parking operation should fall under the Parking Manager.

Council had no additional questions and agreed to include the Plan on the June 11 work session agenda for a broader review and discussion.

**West End Revitalization Plan.** Mr. Fontaine said key elements in the Phase III work plan include preparing zoning and design requirements based on the master plan for adoption by Council; developing a 10-year capital improvements program that can be integrated into the Borough's CIP; assisting with steps required by the urban redevelopment law to declare the West End, or appropriate portions thereof, a certified redevelopment area; developing brand identification for the West End; identifying and building the partnerships needed to implement the land use, transportation, and public realm recommendations identified in the West End Plan; and initiating steps to secure funding from state and federal sources.

Copies of the proposal from the Delta/EDSA team, the consultants for Phases I and II, were provided to Council with the agenda. Mr. Fontaine said if Council's consensus was to maintain Delta Development as the consultants for phase three, a vote could be scheduled at the next regular meeting on June 4. He added that establishment of a steering committee could be discussed at a later date.

Ms. Goreham said she is concerned that it will take additional time to train new people on the West End Plan but added that retaining the Delta consultants is very expensive. She noted that hiring an additional employee in the Planning Department is important.

Mr. Fontaine explained that the purpose of a consultant is to involve individuals with expertise in order to move ahead with the project. He added that there is still a considerable amount of consulting to be done and a new staff member would not have the knowledge the consultants possess on the project. In addition, he said it would take about four months to hire a staff member which would delay the project.

Mr. Kern said Council promised residents the project would move forward and suggested Council agree with staff's recommendations and continue with Delta Development. Mr. Humphrey said he agreed.

Mr. Daubert said he disagreed because many others are qualified to do the work. He added that he was upset with the consultants because he felt they lecture Council and he said he believed that staff should be more involved. He added that Council was very adamant that they be involved in the Plan. He said he will vote against retaining Delta.

Mr. Fontaine said in order to continue the project on schedule, the consultants should be retained. He added that the consultants know the people involved and know the scope of work; planning staff cannot do the work with their current work load. Mr. Fontaine said an additional planning staff member will be discussed in preparation for the 2008 budget. Additionally, he said the consultant agreement was projected to be completed by the end of 2007.

Ms. Dauler said she wants the project to go forward, but cannot agree with everything that is planned in the proposal.

Ms. Dauler also noted that Council should review other work Delta Development has done for other communities. Mr. Fontaine responded that Delta has represented both the county and the Borough. He added that Delta has a reputation for success and Staff could redistribute their background information for Council's reference. Mr. Fontaine said that Staff is recommending maintaining Delta as the consultants for the West End Plan and standard procedures will require that the consultants keep Council informed at all times. He said that if Council wants to remain on schedule, staff recommends Council hire a consultant based on their experience, skills, and abilities to proceed with the West End Plan, which is the Delta Development/EDSA Team.

There being no further business, the meeting adjourned at 2:15 pm.

Respectfully submitted by:

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Cynthia S. Hanscom  
Assistant Borough Secretary