

**Meeting Agenda**  
**State College Borough Council**  
**Regular Meeting**  
**Monday, November 7, 2011**  
**7:30 p.m.**

The State College Borough Council met on Monday, November 7, 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 E. 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; Michael S. Groff, Finance Director; Beth A. Johnston, Human Resources Director; Alan W. Sam, Environmental Coordinator/Arborist; Kate Doe, Neighborhood Services Coordinator; Brendan McNally, UPUA Student Representative; and interested members of the media and concerned residents.

**Proclamation**

Mayor Goreham presented TEDxPSU representatives, Andrew Lentz and Brittany Greff, with a proclamation that next Sunday, November 13<sup>th</sup> will be proclaimed TEDxPSU Day.

**Public Hour – Hearing of Citizens**

Nisha Talehanni from the Off-Campus Student Union advised Council there will be a Borough Forum at 129A HUB at 8:30 p.m. on November 10. The Forum will allow all students to raise issues they may wish to discuss with Council, i.e. questions regarding leases, quality of living, etc. Student Representative Brendan McNally will be there as well.

**ABC Reports**

Report from the Tree Commission – Mr. Ken Tamminga, Vice-Chairman of the Tree Commission, reported on the activities of the Commission and presented their proposed 2012 work program.

He stated the Chairman is Bill Elmendorf and four other members. The Commission relies on volunteers, and staff members Alan Sam and Debra Lang. The Commission has been very busy this past year. They met on an average of once a month. They completed two field assessments, recommended 70 trees for removal and 170 new trees for a total of 25 new varieties. Trees were planted along the South Atherton Street corridor as part of a Tree Vitalize Grant and he stated the Commission hopes to see College and Harris extend the corridor through a tree vitalize grant. He noted Kirk Dimond, an Urban Forestry graduate student, as well as other students, completed a comprehensive GIS program for the Borough. He discussed the Borough's tree canopy and the values offered to residents and the Borough for the eco systems. Mr. Tamminga said the number one item on the work plan is plantings and removals. The Commission is recommending field assessments in July and August of 2012. They will continue to have follow-up meetings in the fall. Tree vandalism in the downtown area is also a concern of the Commission. They will continue to monitor the Borough's forest and mitigate the problems. The final item on work plan will be to work on current and future impacts on the urban forest.

Council members commended the Tree Commission for all of their hard work. One Council member noted that one of the items listed on the Tree Commission's work plan was that the Commission would like to add further information to the LION Walk packet. Mr. Tamminga responded the Commission hopes to stay in touch with fraternities and rentals and remind them to stay in touch with the Police Department and reported all vandalism. The hope is to produce special reports in the *CDT* to let people know what it costs to replace a tree, rain water interception, loss of the canopy and/or shade. There are a number of things that can be done. The Commission hopes to get this information out on the streets. Trees are our friends and they should not be vandalized.

Mr. Filippelli asked about planting more trees in low-income areas in State College. Mr. Sam explained that there are certain areas in the Borough where we cannot plant trees for various reasons.

Ms. Lafer said thank you because trees make all the difference because of the beauty they provide. She discussed insect and disease threats elm and ash borer and testing in the sycamore trees. She noted the Western Pine Beetle is in our region and she hopes we would let people know what they are and what we are doing to fight against them. She felt it would be good for people to see you out there and we are on top of this.

### **Consent Items**

Mr. Hahn moved to approve vouchers for the month of October in the amount of \$3,255,175.28. Ms. Lafer seconded the motion. The motion passed unanimously.

### **General Policy and Administration**

Ordinance for the Conduct of 2011 First Night® - Rick Bryant, Executive Director of the Central PA Festival of the Arts briefly reviewed the 2011 First Night request with Council. On a motion by Mr. Filippelli, second by Mr. Hahn, Council voted unanimously to enact the ordinance designating the area and time for First Night® 2011.

### **Private/Public Towing Ordinance Amendments**

Mr. Rosenberger moved to receive, review and adopt the proposed ordinance amending the Codification of Ordinance Public/Private Towing. Mr. Filippelli seconded the motion.

It was noted that staff recommendation is higher than the fees of the towing company. Chief King stated this is where we are charging license fees. The first four items on the list are fees coming to the Borough. In addition, we have additional costs of administering this ordinance.

Council members raised several questions such as if repossession towing is included. Chief King responded the tows are for crashes, blocking fire hydrant, or a driveway. Another question was about the abandoned vehicle process stating 15 days is too low and 90 days is too high. Council also discussed notification of owners, compliance and consistence with the Motor Vehicle Code, procedures for locating a registered owner of a vehicle and the length of time between notification and disposal of a vehicle. Mr. Daubert made a motion to increase the minimum days a car can be stored from 15 to 30 days. Mr. Hahn seconded the motion.

Ms. Cathy Tennis, of Tennis Towing, which is located at 1701 West College Avenue said she was very much in favor of changing the time frame for abandoned vehicles. The vehicles this is referring to are vehicles that are not licensed and/or registered. If a vehicle is not claimed, the towing company has to keep the car until they are able to obtain ownership information. Once ownership is determined, a letter must be sent to the property owner advising them that the towing company is in possession of their car and is storing it.

Council members asked if there was a downside to the owner in reducing the time period from 30 to 15 days. Ms. Tennis said there is no extra cost to the owner to contact the state for ownership information. The cost to the owner increases the longer the vehicle has to be stored.

Mr. Hahn commended Mr. Daubert for bringing this up issue because he said this discussion has been very informative and has enlightened him on the process because the earlier the vehicle can be moved, the better. This also helps to mitigate potential storage costs which are a valid concern.

The motion on the floor was to change the minimum of 15 to 30. Mr. Daubert voted in favor of the motion and 6 members voted against so the motion failed.

Ms. Tennis spoke about the proposed fees associated with towing vehicles. She stated Chief King has sent these proposals out to the various towing companies for our review, which has worked out very well. She stated they understand the rates and percentages he uses. They had one request about the accident fee. Chief King is proposing \$180 and the towing companies are requesting \$195. She said the towing companies are also asking that the accident fee for a vehicle be increased to \$90 and for a large vehicle to \$210. She stated these are the most demanding tows they get call for. She discussed the response time of within 20 minutes and noted it is hard to get somewhere in 20 minutes no matter where you go in State College. She said in order to meet that requirement they need to have an extra driver on in case of these kinds of accidents.

Mr. John Tennis, 1702 W. College Avenue, said it would be better if fees were reviewed every three years so there is not such a leap in the prices charged by towing companies. He added that he has been pleased with the interaction between the towing companies and Chief King. He said his employees have worked well with accident victims over the years and his business is well respected and well received. Mr. Tennis said his staff and Borough staff has really made strides in this over the years.

Mr. Rosenberger asked about the impact this ordinance has on people who have insurance and are AAA members. Does insurance or AAA? Staff responded that each case is different. These rates we are lower than areas around us. Insurance companies are okay with the rates too.

Following these discussions, Mr. Filippelli moved an amendment to adjust the fees for drive shaft removal only from \$35 to \$30; change drive shaft removal and installation from \$65 to \$60; snow removal from \$40 to \$35 and fees for accidents from \$180 to \$190 and fees for accidents of large vehicles from \$200 to \$210. Mr. Daubert seconded the amendment. All members voted in favor of the amendment. The main motion passed unanimously.

Consolidation of ABC's - During the past year there has been some discussion about consolidating the Design Review Board and the Historic Resources Commission and an ordinance amendment was prepared, which designated a combined mission. Mr. Filippelli made a motion to adopt the ordinance and establish a charge for the combined ABC's. Mr. Rosenberger seconded the motion.

Council members commented that the Chairman of the DRB was at a recent meeting and she raised some concerns about consolidation. Mr. Bryant, the HRC Chairman, said it would probably be okay. It was also discussed that Council could consider reducing the membership of the HRC from seven members to five members and it was true that some of the duties performed by each of these ABC's are the same or similar. One concern was if the two ABC's are combined, it would hurt the Borough's historic property program. Council members felt the preservation of historic buildings was important and worth emphasizing. They suggest the two ABC's meet jointly at least two times per year and to reduce the HRC's membership.

A Council member said by merging the two ABC's would not reduce historic preservation. He suggested Council ought to think about efficiencies whenever we can. This would create a savings in staff time, resources, etc.

Another Council member said she was concerned if the members of the HRC have not had a chance to review this proposal.

The motion to consolidate the Design Review and the Historic Resources Commission failed 2-5 with Messrs. Filippelli and Rosenberger voting in favor of the motion.

## **Planning and Community Development**

2012 Consolidated Annual Action Plan. Mr. Fountaine noted that the 2012 Consolidated Annual Action Plan provides details on proposed projects for federal Community Block Grant and HOME grant money during the fiscal year 2012. The CDBG Citizens' Advisory Committee reviewed the Plan at its meeting of September 14, 2011 and recommended it be approved by Council. He noted the plan was available for public review in the Planning Office of the State College Municipal Building and at the Schlow Centre Region Library, 221 South Allen Street, State College, through November 7, 2011. The Plan must be submitted to HUD by November 15, 2011. A public hearing was held on the Plan on October 3, 2011.

Council members expressed their concern that CDBG money continues to be cut. Less money received means fewer people can be helped. Because of the cuts, the Block Grant program is only able to provide assistance to five (5) human service agencies and noted that all five (5) of these agencies assist with housing. The people being helped need these services and need this assistance everyday.

Mr. Rosenberger moved to approve the 2012 Consolidated Annual Action Plan. Mr. Hahn seconded the motion. The motion passed unanimously.

## **Student Home Zoning Amendment**

Mr. Filippelli moved to recommend that Council receive the Planning Commission's recommendation and schedule a public hearing on this amendment at their December 5 meeting. Ms. Lafer seconded the motion.

Mr. Daubert stated he is curious to what the public thinks about this. He stated he is a simple man and likes pictures. He asked if staff could provide a map that indicates areas that are already covered and where the limit has already been reached regarding student homes. He would also like a chart that indicates how many student homes have been added over the years, since it passed, and what were the level and/or degree of enforcement over the years. How many letters, complaints, etc. have we received.

Ms. Lafer stated she is comfortable with this complex ordinance. It does exactly what we are taking about - helps protect and maintain. It allows for maintenance of the neighborhood as a place for people to live and bring up families. She stated we requested a response from the county planner and they found this is consistent with the comprehensive plan for the larger region. She hopes the public will be comfortable with the vast majority of this. It provides stability for the tax base and homeowners.

Mr. Hahn stated he voted for the original ordinance and it was controversial. The original student home ordinance was to preserve diversity. Ruth Lavin said what was objectionable was clustering of student homes. Where there is a balance, it is not bad. He is afraid this ordinance will prevent the first student home on Sandpiper, Marylyn, Greenfield Circle, etc. The problem is the next student home on South Gill Street, East Foster Avenue or Taylor Street. That is already prohibited by this ordinance. He was not sure what the reason is for the map and chart. To that extent, the problem is are we adequately enforcing what we already have or creating a legislative problem we don't have.

Council voted unanimously in favor of holding a public hearing on December 5.

## **Neighborhood Sustainability Report**

Mr. Filippelli moved to recommend Council accept the Neighborhood Sustainability Report and approve the recommendations. Mr. Hahn seconded the motion.

Mr. Daubert stated he would be happy to vote for it too. This covers everything under the sun. Mr. Hess stated if some issue rises to the top, we would deal with those of course. Some areas are complicated.

Mr. Fountaine noted this report is updated annually. Council has an opportunity every year to comment on it.

Ms. Lafer stated this is a very nice outline. She stated it is good to not forget some of these things. She felt we are following through on ideas. The report is very well done and pleased that staff has responded as well as they have.

Following these discussions, Council voted unanimously in favor of this motion.

**Official Reports and Correspondence**

Mayor's Report - Mayor Goreham stated she enjoyed activities at PSU Encampment of AALCP.

President's Report – Mr. Filippelli stated Council will adjourn to an executive session for personnel matters following this meeting.

Staff/Committee Reports – There were no staff or committee reports this evening.

Student Representative Report – The student representative had nothing to report tonight.

There being no additional matters to discuss, the meeting adjourned at 9:05 p.m.

Respectfully submitted,

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Sharon K. Ergler  
Assistant Borough Secretary