

Meeting Minutes
State College Borough Council
Regular Meeting
September 8, 2014

The State College Borough Council met in a regular meeting on Monday, September 8, 2014 in the State College Municipal Building, 243 South Allen Street, State College, PA. Mayor Goreham called the meeting to order at 7:32 p.m.

Present: Elizabeth Goreham, Mayor
James L. Rosenberger, President of Council
Thomas E. Daubert
Theresa D. Lafer
Peter Morris
Evan Myers
Absent: Catherine G. Dauler
Sarah Klinetob

Also present: Thomas J. Fountaine, Borough Manager; Terry Williams, Solicitor; Edward LeClear, Planning/Community Development Director; Thomas R. King, Chief of Police; Mark A. Whitfield, Public Works Director; Dwight Miller, Manager of Financial Services; Roger A. Dunlap, Assistant Borough Manager; Sharon Ergler, Recording Secretary; Courtney Hayden, Communications/Special Projects Coordinator; Jon Garfield, UPUA Student Representative; Charles DeBow, Parking Manager, and members of the media and interested citizens.

Public Hour

Mr. Morris mentioned the recent passing of Borough resident Jay Schuchter. Mr. Schuchter was a talented actor who worked in the local theatre and was active in the Wednesday afternoon demonstrations, especially the Iraqi War. He commented that he would be missed greatly by all who knew this remarkable man.

Margaret Nollau, 519 Penn Street, Huntingdon, PA, spoke on behalf of her mother, Carol, who was diagnosed with Multiple Sclerosis. She explained that her mother was a local patron of Welch Pool, who swam daily to maintain her health and alleviate her pain. She said when the pool was remodeled several years ago; the handicapped parking was displaced across the street from the pool, at the State College High School. Ms. Nollau commented that the long walk from the parking lot was a challenge for her mother. She added that from communication with others, she discovered that her mother was not the only person having difficulties. While she had no doubt the handicapped parking spaces were ADA compliant, there were no longer accessible to patrons with disabilities.

Ms. Nollau said her mother had communicated with the pool supervisor and with the Parks & Recreation Director, and they were not receptive to any solutions that would assist Mrs. Nollau and others experiencing the accessibility issue. Her mother had asked to park her car in the paved access area where the Rita's Italian Ice parks and was told "if you do that, we would have to do it for everyone". She was told it would obstruct emergency personnel from getting to the pool in the event of an emergency.

Arthur Anderson, 426 Ferguson Avenue, said his wife who is handicapped, also uses the pool throughout the summer and has experienced the same issue. Mr. Anderson distributed a copy of the Welch Pool layout and referenced the distances at the pool, both before and after the renovations. He said the old pool had handicapped parking that was near the entrance to the pool. He commented that the distance from the handicapped parking used to be 75' and now it was 305'. He said he found it ironic that bicyclists can park 30' from the pool entrance. He also mentioned some possible solutions, such as a cart for patrons to ride from the parking lot to the pool, or having a pool employee pick up handicapped patrons on a golf cart and driving them to the pool's entrance.

Ms. Lafer said when the renovations for the pool were being discussed; she said there was not enough handicapped parking that was accessible for patrons. She said both the School Board and the Parks & Recreation Board did not know how to solve the problem. She urged Parks & Recreation to put handicapped parking as close to the pool's entrance as possible and added that it was wrong to require handicapped people to have to walk that far. She said she hoped Council would find a way to respond to these requests.

Mr. Morris indicated he agreed with Ms. Lafer and commented that there were three entities involved, the Centre Region Council of Governments, the State College School District and the Borough. He said Council should investigate to see if there was a solution and if there was, it should be done quickly.

Mr. Daubert said he also swims at Welch Pool and sees Ms. Nollau every day. He said he and others had looked at this problem since the pool reopened three years ago. He noted that Ms. Nollau was not looking for a private parking space; she was looking for a space closer to the pool. Mr. Daubert said there were two bike racks and a couple of benches located just outside the entrance. He suggested that the benches and racks be located elsewhere and two handicapped spaces be installed in that location.

Mr. Myers noted that as the School District moves forward with its plan to reconstruct the school, Council needs to be cognizant of how this may impact additional parking and needs to be looked at closely. Mr. Myers agreed that this matter needs to be looked into.

Mr. Rosenberger said this was an exceptional situation and reasonable people should be able to come up with a plan to accommodate this matter. He noted that the pool just recently closed for the season, which should provide ample time for everyone to figure this out.

Mr. Daubert said according to the lease between the COG and the School District, there are a certain number of parking spaces that were required to be available for the pool. He suggested the Manager write a letter to the Executive Director of COG requesting this matter be addressed. He said the Manager could draft something and Council could review it at an upcoming work session.

Mr. Todd Roth, Centre Region Parks & Recreation's Aquatic Supervisor, said there had been extensive discussions about this subject and CRPR is charged to operate the facility as approved by Code. He said that CRPR does not have the authority to make changes to the approved handicapped parking. He noted that Council's proposed action would be the first step at looking into a change. He said CRPR staff had no jurisdiction. He noted that if they allowed Mrs. Nollau to park in the service drive, it would be a liability concern. He added that the location where the bicycle racks were located was not acceptable for ADA compliant parking spaces because the slope of the land was too great.

Consent Items

Mr. Rosenberger made a motion to approve the following consent items. Ms. Lafer seconded the motion, which passed unanimously.

- Approve the closing of various Borough streets (normal PSU 5k Route) for the 2014 PSU Homecoming 5k, The Color Run, on Sunday, September 14, 2014, from 8 a.m. to 2 p.m.
- Approve the closing of High Street, between East Foster Avenue and Holly Alley, and Holly Alley, between Hetzel Avenue and Holly Court, from 3 p.m. until 9 p.m., on Sunday, September 21, 2014, for the annual East Highlands neighborhood block party.
- Approve the closing of South Allen Street, from Beaver to Foster Avenues, on Saturday, October 4, 2014, from 6 a.m. until 7 p.m., for the 15th annual Downtown State College Improvement District's Fall Festival (DSCID).

- Approve the closing of the 200 block of East Calder Way, from McAllister Alley to South Pugh Street, between the hours of 11 a.m. until 4 p.m., on Saturday, October 4, 2014, for Bradley's Cheesesteaks & Hoagies Eating Competition, as part of the DSCID's Fall Festival.
- Approve the use of various Borough roads on Sunday, October 12, 2014, from 2 p.m. until 3:15 p.m., for the annual Knights of Columbus 5k, sponsored by the Nittany Valley Running Club, which benefits the Schlow Memorial Children's Library.
- Approve the use of various Borough streets and sidewalks on Sunday, November 2, 2014, from 11:30 a.m. to 1 p.m., for the annual Penn State THON 5k Run/Walk, which benefits the Four Diamonds Fund that fundraises for pediatric cancer patients and their families.
- Approve a resolution authorizing for the destruction of various health documents from the Health Department.

Resolutions and Special Business

Citizens United Resolution

Mr. Morris said he had requested this item be placed on Council's agenda for consideration because he, and other members of Council, were concerned about corporations making unlimited financial contributions to political campaigns and candidates at all levels. He said the draft resolution was written by Councilman Myers.

Mr. Myers said the draft resolution was taken from a good number of other resolutions that have been passed by numerous cities and states around the county. He said he worked collaboratively with Councilman Morris and Councilwoman Lafer.

Mr. Morris made a motion to approve the Citizens United Resolution. Ms. Lafer seconded the motion.

Ms. Lafer said she understood that Council did not have direct input as to the deliberations of Congress; however, she said Council does have direct input to all elected officials. She said if the governing bodies do not hear from Council and/or voters, they do not know what their constituents are thinking. She added that it was important to join the list of other states, cities and towns in this effort.

Mr. Morris said by passing this resolution, Council was expressing outrage at the notion for bullying purposes. A corporation is not a human being. This can be both absurd and dangerous. He added that a lot of money can flow into political plans, which is happening now in the current election cycle.

Mr. Rosenberger said as Mr. Morris already knows, he did not agree that this was a topic that Council was elected to address but noted he does not disagree with it.

Mr. Myers said often times recommendations are made by the PA Municipal League and by the National League of Cities on topics that rise to the national level. He said Council is not taking a stand on this matter without precedent. He added that these actions do impact the citizens of State College and elections do matter.

The motion to approve the Citizens United Resolution passed unanimously.

General Policy & Administration

Financial Policies

Mr. Fountaine said that Council was being asked to approve amendments to the Capitalization and Development Policy and to adopt a new resolution establishing the Continuing Disclosure Reporting Policy, as recommended by the Borough's independent auditors.

Mr. Daubert said when Council votes, he would like to vote on three separate motions. He said he had no problem with the second and third amendments but he had serious problems with increasing the dollar threshold for capital projects from \$25,000 to \$50,000. He said when Council voted to increase it from \$10,000 to \$25,000 there was a considerable discussion. He was concerned about increasing the threshold because staff would be able to come up with projects under the threshold and Council would only get to look at those projects once a year during the review of the proposed budget. For example, contracts for consultants.

Mr. Rosenberger had a question about the statement related to the Security and Exchange Commission Continuing Disclosure Reporting requirement. He asked who was previously responsible. Mr. Fountaine said this was a brand new policy and it was more of a housekeeping matter. This new policy would be disclosed to underwriters or others who were considering investing in the Borough's borrowing. He added that Dwight Miller, the Borough's Manager of Financial Services, would be filing the annual disclosures in the future.

Mr. Fountaine noted that the definition of a project in the Capital Improvement Plan (CIP) is any project over the amount of \$25,000, which had a certain life expectancy. Items under that amount would have to be approved by Council as part of the annual operating budget. The reason staff was recommending the change from \$25,000 to \$50,000 was because there were a number of smaller projects that were coming up now the annual budget process, that were never intended to be a capital project. For example, if staff needed to hire a design engineer for a project and the costs exceed \$25,000 that goes into the annual operating budget. He added that staff had been making this recommendation for the last three years.

Mr. Rosenberger said Council approves the CIP just a couple of months before the operating budget. He asked if staff works to propose projects between \$25,000 and \$50,000 during that time. Mr. Fountaine said staff works to pull CIP projects together early in the year and presents them for adoption in June. He noted that staff had found that it costs more money to do things now.

Mr. Daubert said the CIP does help Council plan ahead. Otherwise, those items would not show up until November during the budget review process. He added that managing finances was one of Council's biggest jobs.

Ms. Lafer made a motion to handle the three amendments separately. Mr. Daubert seconded the motion.

Mr. Morris said the amount chosen is arbitrary. When the threshold was increased, it should reflect the inflation rate. He said raising it to \$30,000 to \$35,000 would be the sensible thing to do.

Mr. Rosenberger said he was supportive of staff's recommendation and made a motion to approve the threshold increase for projects in the CIP from \$25,000 to \$50,000. Ms. Lafer seconded the motion. The motion failed 1-4 with Mr. Rosenberger being the only Council member voting in favor of the motion.

The motion to handle the three amendments separately passed unanimously.

Mr. Daubert made a motion to raise the capitalization threshold for fixed assets in the Capitalization and Depreciation Policy from \$1,000 to \$5,000. Mr. Morris seconded the motion, which passed unanimously.

Mr. Rosenberger made a motion to approve the resolution naming the Manager of Financial Services as the person responsible for filing the Borough's annual disclosures. Mr. Myers seconded the motion. The motion was unanimously approved.

Private/Public Towing Ordinance Amendments

Chief King explained that the existing Private/Public Towing Ordinance was a document that was to be reviewed every two to three years to determine if any changes were warranted. In response to a request from the approved Borough towing companies, Chief King said he was proposing to increase fees slightly. He distributed an updated ordinance for Council to consider because the drafted ordinance provided in the agenda packet did not include all of the proposed fees.

Ms. Lafer made a motion to adopt the proposed changes as recommended by staff. Mr. Morris seconded the motion.

Mr. Rosenberger asked what the bases for his recommendations were. Chief King said the last changes occurred in 2011. He said he looked at what other comparable towing companies were charging. He commented that he sat down with the local towing company owners in August and they were in agreement with his recommendations.

In a roll call vote, Ordinance #2047 was unanimously approved.

Amendment to Vehicle and Traffic Ordinance on Corl Street

Mr. DeBow briefly reviewed the proposed amendment to change parking on Corl Street from the West to the East side of the street. Currently parking was allowed on the West side; but that forces children being dropped off at the elementary school to cross Corl Street. He commented that the State College School District requested the change because of safety concerns for the students.

Ms. Lafer asked how many parking spaces would be lost on the East side with this change. Mr. DeBow said there may be two spaces lost. He commented that letters were sent to the residents and property owners on Corl Street and there was a mixed reaction. Staff reviewed the request and agreed there were safety concerns with the current regulations that force parents to drop off young children on the opposite of the street.

Mr. Myer said demographics had changed since the schools were built. Years ago only one parent worked and now both parents work. Parents are constantly picking up and juggling kids around. He said with any school building built or approved, Council cannot ignore parking issues. He added that picking up and dropping off kids is a community issue, which needs to be considered going forward.

Mr. Fontaine said the proposed amendment addressed a safety concern and people will be able to parking legally and will not have to cross the street.

Ms. Lafer said all school have pick up and drop off problems. She said she did not know if it could be done at Corl Street, but the school needs to understand that there are a large number of cars and kids. There needs to be a place where cars can drive up in a line and drop off.

Mr. Rosenberger said times are changing and State College is part of a green community. We should continue to encourage people to walk and ride bikes to school and work.

In a roll call vote, the motion passed 4-1 to adopt Ordinance 2048 with Mr. Daubert voting against the motion.

Official Reports and Correspondence

Mayor's Report – Mayor Goreham said she attended UPUA's meeting last week and noted that the students who serve on UPUA take their positions very seriously. She said they are working hard to connect our community with Penn State students.

President's Report – Mr. Rosenberger said Council met in an Executive Session prior to tonight's meeting and will meet in an Executive Session following this meeting to discuss real estate, personnel matters and litigation.

Staff Reports – Mr. Fontaine noted that staff was hopeful to have something to report on the Homeland Security matter that Council members had inquired about; however, he said he would have something more on the matter either at Council's next meeting or at the first meeting in October.

Mr. Fontaine asked Council members if they had any questions on the Division of Health and Neighborhood Services 2nd Quarter Report that was distributed to Council with the agenda.

Mr. Daubert said it was a good report; however, he wanted to know why the department had stopped citing people who leave their refuse containers out all week long.

Mr. Fontaine said for a period of time there was a problem with the ordinance.

Mr. Kassab said his staff had been trying to verbally communicate or issue warnings to residents regarding the removal of cans from the curb. He said those that do not respond after a verbal warning are issued violations. Staff's attention has been focused more on other types of violations, such as refuse, weed and grass, etc. He noted that staff could be more aggressive if that is what Council wanted. Mr. Daubert requested a list of the different violation costs, such as refuse, weed, snow and others. Mr. Fontaine said staff would compile such a list and provide that to Council at a later date.

Mr. Daubert asked the Manager about the possibility of changing from the seven day requirement for violation payments since it takes five days for a person to get the warning or violation in the mail. Mr. Kassab said although the ordinance reads that a violation must be paid within seven days, his staff gives 10 days.

Mr. Daubert also inquired as to why a resident must come up to the second floor of the Municipal Building to pay for a violation. In the past, you could walk in and pay for a violation at the Parking Office on the first floor.

Mr. Fontaine said the seven day time period is set by ordinance. In order to change that, an amendment to the ordinance would be required. He also noted that warnings and or violations are left at the property and one is mailed to the property owner and another copy is mailed to the designated person-in-charge. He commended that as part of the implementation of the enterprise software system, staff had been evaluating the business practices, and paying violations on the second floor was one of the items being evaluated. In addition, fines can be paid online at various locations.

UPUA Report – Mr. Garfield thanked Mayor Goreham for coming to speak at the last UPUA meeting. He said UPUA is currently opposing Senate Bill 1240, because it lacks student representation. They are also looking into House Bill 300 as it relates to sexual orientation and/or gender. He announced that the NCAA had recently lifted all sanctions against Penn State earlier in the day. Mr. Garfield said the next project the UPUA was going to work on was voter registration.

The meeting adjourned at 9:04 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary