

**Meeting Agenda
State College Borough Council
Regular Meeting
October 7, 2013
7:30 p.m.**

I. Call to Order

II. Moment of Silence and Pledge of Allegiance

III. Roll Call

Elizabeth Goreham, Mayor
Donald M. Hahn, President of Council
Thomas E. Daubert
Catherine G. Dauler
Ronald L. Filippelli
Sarah Klinetob
Peter Morris
James L. Rosenberger

IV. Public Hour – Hearing of Citizens

Anyone wishing to address Council with an item that is not on the agenda should ask to be recognized at this time. Each speaker will have four minutes to present comments to Council.

V. Proclamation/Reports

- A. Penn State Advance Vehicle Team – Cheyenne Sexton, on behalf of the Penn State Advance Vehicle Team, will accept a proclamation and make a brief presentation to Council about the Team's success. [Page 7]
- B. Weatherization Month – Ms. Sylvia Neely, Co-Secretary of the PA Interfaith Power and Light Board of Directors will be present to accept the proclamation declaring October as Weatherization Month. [Page 11]

VI. Public Hearing

- A. Amendment to 2010-2014 Consolidated Plan and 2013 Consolidated Annual Action Plan

Council is asked to consider an amendment to the State College Borough 2010-2014 Consolidated Plan and 2013 Action Plan Regarding the Proposed Use of Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Funds. Attached on page 13 is a memo

from staff summarizing the proposed changes to the Consolidated Plan. The CDBG Citizens' Advisory Committee unanimously recommended approval of the changes at its September 3, 2013 meeting.

Staff Recommendation: Council is asked to hold a public hearing on the amendments. Action can be taken later in the meeting.

VII. Consent items

Recommendation: Staff recommends that Council approve the following consent items. (Attached to the agenda beginning on *Page 17* is background information.)

- A. Approve a resolution for the destruction of records in the Department of Ordinance Enforcement and Public Health. [*Page 19*]
- B. Approve the use of the sidewalks in front of Appalachian Outdoors, First National Bank, McLanahan's Allen Street Market, and Abercrombie & Fitch on Sunday, October 19, 2013, between the hours of 8 a.m. and 5 p.m., for the Appalachian Outdoors' Fall Outdoor Expo. [*Page 21*]
- C. Approve the parking study contract award to Walker Parking Consultants in the amount of \$92,400. [*Page 23*]
- D. Approve the use of various sidewalks on Friday, October 10, 2013, between 4:30 p.m. and 6:30 p.m. for Schlow Centre Region Library's Zombie Walk. The walk benefits the State College Food Bank. [*Page 25*]
- E. Accept the resignation of Erin Murtha, with regret, from the Planning Commission, effective December 31, 2013. [*Page 29*]
- F. Approve Change Order #3 for design work on the Atherton Street Corridor Improvement Project, in amount of \$1,600 to Stahl Sheaffer Engineering. By approving the change order, the consultant can complete construction plans and bidding documents prior to bidding the project later this month. [*Page 31*]

VIII. General Policy and Administration

A. Budget Review Schedule

Borough Council will begin its review of the proposed 2014 Operating Budget later this year. It had been brought to staff's attention that at least one member of Council is not available for review sessions on Tuesday, November 19, and on Tuesday, December 3, 2013.

Staff polled Council members about their availability and it was determined that all Council members were available on Wednesday, November 20, 2013.

Staff recommends that the Tuesday, November 19, budget meeting be rescheduled to Wednesday, November 20, at 7 p.m. Staff also recommends that the work sessions previously scheduled for November 19 and December 3 be cancelled. Attached is a revised budget review schedule on *Page 33*. If additional budget work sessions are needed, they can be scheduled at a later day.

Staff Recommendation: Staff recommends Council approve the revised meeting schedule for 2013.

IX. Public Works

A. Service Facility Project

On August 30, 2013, bids for the Municipal Service Facility were opened. Six bids were received. The project is located at the Borough's Service Facility at 330 South Osmond Street, the base bid includes all site work, a heated truck storage building, a non-heated truck storage building, a salt storage building, a covered debris containment area and repairs and upgrades to the existing Maintenance garage. Additionally, bids were received for six alternates, consisting of:

- A1. Construction of a new administration Building.
- A2. Construction of a Truck Wash/ covered fuel canopy.
- A2A. Furnishing and installing of CNG Fuel dispensing system.
- A3. Construction of a covered impound shelter (Police).
- A4. Construction of a community picnic pavilion.
- A5. Perimeter insulation for foundation walls on the cold truck storage building.

A bid tabulation is attached for Council's review. The consultants (Buchart Horn/Basco Associates) and staff have reviewed the bids and checked references in anticipation of making a recommendation to Borough Council. Council discussed the bids at their September 9, 2013 work session, and at the September 16, 2013 meeting voted to postpone award of the bids pending a review by the Facility Advisory Committee.

The Facility Advisory Committee met on September 30, 2013 to review the bids. Based on their discussion with staff and the Architect, and upon reviewing the bids, the Facility Advisory Committee recommends Council award the base bid and alternates A1, A2, A3, and A5. A memo from the Public Works Director regarding details of the bids and the meeting is attached on *Page 35*.

Staff Recommendation: Staff recommends Council take action to approve the intent to award the bid for the Municipal Service Facility Project to Poole Anderson, the lowest responsive bidder, in the amount of \$7,738,300, which includes the base bid and alternate bids A1, A2, A3, and A5; and to authorize the borrowing of approximately \$9.7 million for this project and the Atherton Street corridor project subject to Council's approval.

X. Planning and Community Development

A. Amendments to the Centre Region Building Safety and Property Maintenance Code Ordinance and the Regulation of Intermittent Rentals

Commencing in late 2012 Council has been considering amendments to the Centre Region Building Safety and Property Maintenance Code (PM Code). The impetus of this consideration is the triennial PM Code update process and input received from residents regarding Code changes, particularly as the Code relates to the regulation of one- and two-family rentals. Additional input was received in late 2012 and in the first several months of 2013 from landlords, property managers, realtors, fraternities, student leaders and neighborhood leadership.

Staff has completed an analysis of the input and distributed a report to Council on the status of the PM Code revisions at the September 16, 2013 meeting. The focus of this report was Chapter 8 of the PM Code, the Chapter of the Code that deals with rental housing and nuisance properties. Included in that report was a series of staff recommendations on which parts of the Chapter 8 PM Code to change and what parts to leave untouched. In addition, this report provided a recommendation on the regulation of intermittent rentals and establishing the requirement that students obtain an annual license. [Page 43]

After an analysis of the stakeholders comments at previous discussions, staff is recommending the following:

- Maintain the suspension threshold at 10 points;
- Maintain noise violations at 2 points;
- Maintain the effective date of the suspension at the end of the lease period or at one year, whichever occurs first;
- Maintain the current provisions related to over occupancy violations as two over occupancy violations within a four year period;
- Establish a student rental licensing process as part of the rental housing permit system;
- Establish a new fine structure for violations that occur at a property after the suspension notice has been issued and prior to the effective date of the suspension;

- Added an additional provision for furnishing alcohol to a minor as a 2 point violation.

At their meeting of October 2, 2013, the Planning Commission, moved to request authorization from Council to reconsider the question of regulating intermittent rentals. Unless Council objects, the Planning Commission will proceed in that fashion with this reconsideration. The Commission will provide recommendations for Council to consider to further address the intermittent rental issue.

Staff has prepared a draft amendment to the PM Code for consideration by Council. This amendment is based on the recommendations of the September 16, 2013 report. [*Page 47*]

Staff Recommendation: Staff recommends Council receive and discuss the proposed amendment and schedule the amendment for a vote. Further, staff recommends Council request a report and recommendation from the Planning Commission by January 31, 2014 on intermittent rentals.

B. Amendment to 2010-2014 Consolidated Plan and 2013 Consolidated Annual Action Plan

Council is asked to approve an amendment to the 2010-2014 Consolidated Plan and 2013 Action Plan. A public hearing on the amendment was held earlier in the meeting. The matter was properly advertised and a mandatory comment period has passed to receive public comment on the amendment. A staff memo summarizing the changes is on *Page 13*.

Staff Recommendation: Staff recommends Council approve the amendments.

C. Sponsor a Renewal Application for the Local Shelter Support Initiative

State College Borough has applied for and received HUD Continuum of Care funds (McKinney-Vento Act) for the Local Shelter Support Initiative Project since 2002. The purpose of the shelter project funding is to increase the capacity of Centre County Women's Resource Center, Housing Transitions, and Burrowes Street Youth Haven to provide services to homeless mental health consumers and homeless youth.

The shelters began providing services through this grant on January 1, 2004. Approximately 20 persons are served annually. This project has enabled the shelters to serve consumers, who due mental health issues, could not have been served without the additional staffing the grant provides. It pays for additional case management services on an as-needed basis using existing staff. It enables the shelters to provide additional supervision, life skills development and support services coordination.

This project is an initiative of the Centre County Affordable Housing Coalition, which needs a sponsor for the application. Local governments are eligible to apply, and the Coalition has requested the Borough again sponsor this application. The application will request \$11,079 in supportive housing funds for a 1-year program. There is a 20 percent match requirement, but the three organizations will supply the match. No request for funding is being made of the Borough. Attached to the agenda on *Page 63* is a Policy Briefing Summary for this project.

Staff Recommendation: Staff recommends that Council approve submission of the application on behalf of the Centre County Affordable Housing Coalition.

D. Consider Authorizing Inscribed Pavers on the Sidewalks at Memorial Field

Council is asked to consider a request from the State College School District to authorize the use of inscribed brick pavers on the public sidewalk between Memorial Field and Fraser Street.

Brick pavers are currently being installed on the public sidewalk at this location. The use of brick pavers instead of the existing concrete sidewalk was approved by the Borough during the land development application process. If authorization is granted, the School District will announce their plan to sell the pavers as part of the Memorial Field re-dedication ceremony being held on October 11, 2013. Writing on the pavers constitutes a sign under the Borough's Sign Ordinance. Therefore, the School District seeks both a sign waiver from Council and also permission to place pavers on the public sidewalk. [*Page 65*]

Staff Recommendation: Staff recommends that Council authorizes the use of inscribed pavers in this specific location and thereby waives sign ordinance restrictions.

XI. Items of Information

A. Mayor's Report

B. President's Report

Following this meeting, Council will meet in an Executive Session to discuss personnel matters and litigation.

C. Staff Reports

D. UPUA Student Representative Report

XII. Adjournment

Proclamation

Penn State EcoCAR 2 Alternative Fuels Month October 2013

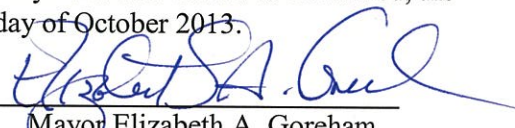


- WHEREAS, The United States federal government is encouraging American citizens and students to move away from fossil fuels and embrace clean energy; and
- WHEREAS, President Obama set forth a national goal to put 1 million electric vehicles on American roads by 2015; and
- WHEREAS, Central Pennsylvania has shown a dedication to these clean energy the installation of wind farms and alternative energy research initiatives;
- WHEREAS, the Penn State Advanced Technology Team is competing in a North American competition sponsored by the U.S. Department of Energy and General Motors to create the most fuel-efficient and consumer-friendly alternative vehicle; and
- WHEREAS, Penn State EcoCAR 2 team members will be able to provide citizens with valuable insight into driving more efficiently, and help gain a better understanding of current energy usage in America; and
- WHEREAS, we must recognize that becoming knowledgeable about practical tools regarding the environment, conservation and sustainability are the first steps to "greening" our earth now and in the future; and
- WHEREAS, the Penn State EcoCAR 2 team will host and attend events in relation to Penn State EcoCAR 2 Alternative Fuels Month to educate those of the local State College area.

NOW, THEREFORE, I, Elizabeth Goreham, Mayor of the Borough of State College, do hereby proclaim October 2013 Penn State EcoCAR 2 Alternative Fuels Month in the Borough of State College and call upon all citizens to observe the month with appropriate programs and activities.

FURTHERMORE, I encourage the citizens of State College to seek out information about Penn State EcoCAR 2 Alternative Fuels Month and participate in events held by Penn State EcoCAR 2 in October.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed, the great seal of the Borough of State College, this 7th day of October 2013.



Mayor Elizabeth A. Goreham
October 7, 2013

Team Information

- Competed in advanced vehicle competitions since 1988
- Mechanical, electrical, controls, business, and outreach groups
- Three faculty Advisors
- Three team veterans

Front

- Generator
- Engine
- Motor

Rear

- E85 Fuel Tank
- Charger
- Battery

Vehicle Architecture

- Series Plug-in Hybrid Electric Vehicle
- E85 Ethanol
- A123 Li-Ion Phosphate Battery
- Built from 2013 Chevrolet Malibu

Charge Port

- Standard for North American Electric Vehicles
- Allows Charging for 208V or 110V
- Rear Driver Side of Vehicle

Engine

- Weber MPE 750 EPA certified, naturally aspirated, gasoline engine
- Produces 52.5 kW of power at 8000 RPM
- Maximum torque of 70 N-m

Motor

- Magna E-Drive
- 45 kW continuous power and a maximum torque of 245 N-m
- Single speed coaxial gearbox

Battery

- Six A123 15c3p modules from A123 Systems
- Lithium-Ion
- Air Cooled Cooling System

Fuel

- Custom-designed 7-gallon stainless steel tank
- Quick removal fuel tank
- E85 Ethanol

Generator

- UQM PowerPhase 75 generator
- 45 kW of continuous power and a maximum torque of 240 N-m
- Maximum efficiency of 94%

EcoCAR2
PLUGGING IN TO THE FUTURE

EcoCAR 2 Plugging In to the Future

EcoCAR 2 is North America's Premier Collegiate Automotive Engineering Competition and the only program of its kind. The competition's mission is a vital one: offer an unparalleled hands-on, real-world experience to educate the next generation of automotive engineers. The three-year competition challenges 15 universities across North America to reduce the environmental impact of a 2013 Chevrolet Malibu without compromising performance, safety and consumer acceptability.

Established by the U.S. Department of Energy (DOE) and General Motors (GM), EcoCAR 2 builds upon a successful 24-year history of DOE Advanced Vehicle Technology Competitions (AVTC) that exemplify the power of public/private partnerships in providing invaluable experience and training to promising, young minds entering the North American job market. EcoCAR 2 follows the widely acclaimed competition series *EcoCAR: The Next Challenge*.

EcoCAR 2 requires students to explore a variety of plug-in hybrid electric vehicle powertrain architectures, which deplete an on-board battery to displace vehicle fuel.

The powertrain components are configured to drive the vehicle in five unique combinations:

- » Split-Parallel
- » Series
- » Series-Parallel
- » Hydrogen Fuel Cell Series
- » Parallel through the Road



Technical Goals

EcoCAR 2's technical goals are to construct and demonstrate vehicles using renewable energy sources that, when compared to the stock production gasoline vehicle:

- Incorporate technologies that reduce petroleum energy consumption on the basis of a total fuel cycle (WTW) analysis;
- Increase vehicle energy efficiency;
- Reduce WTW GHG and criteria emissions;
- Maintain consumer acceptability in the areas of performance, utility, and safety.

Participating universities will use electric powertrains, next generation control systems, and advanced battery technologies to reduce fuel consumption and greenhouse gas emissions (GHG). Student designs will consider the well-to-wheel (WtW) impact of fuel use and select renewable fuels such as hydrogen, E85 (85 percent ethanol), or B20 (20 percent biodiesel).

During the three-year program EcoCAR 2 teams will follow a real-world Vehicle Development Process (VDP) modeled after GM's VDP. Using the VDP enables students to design, build and refine their advanced technology vehicles. Year One begins with modeling and simulation to develop their vehicle architecture. In Year Two, teams incorporate their new powertrains, and in the final year, teams refine their vehicles to near-showroom quality. At the end of each academic year, teams compete in more than two dozen static and dynamic events for top honors and \$100,000 in cash prizes.

EcoCAR 2's unique combination of cutting edge engineering practices, hands-on experience, exposure to world-class organizations and knowledge sharing in a competitive and team-oriented environment makes it the perfect preamble to future job success and a catalyst for growing the North American automotive industry's competitiveness in the global marketplace.

AVTC History

For more than 24 years, the U.S. Department of Energy has sponsored 46 Advanced Vehicle Technology Competitions (AVTC) through Argonne National Laboratory. These competitions represent a unique coalition of government, industry and academic partners who join forces to explore sustainable vehicle solutions. Argonne manages these competitions to educate the next generation of automotive engineers and accelerate the development and demonstration of technologies of interest to the DOE and the automotive industry.

CONTACT

Kristen De La Rosa, Director
Advanced Vehicle Technology Competitions
Center for Transportation Research
Argonne National Laboratory
kdelarosa@anl.gov



EcoCAR 2 Teams

California State University, Los Angeles
Colorado State University
Embry-Riddle Aeronautical University
Mississippi State University
North Carolina State University
The Ohio State University
Pennsylvania State University
Purdue University
Rose-Hulman Institute of Technology
University of Tennessee, Knoxville
University of Victoria
University of Washington
University of Waterloo
Virginia Tech
Wayne State University



SPONSORS

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General Motors Company

DIAMOND SPONSORS
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MathWorks
California Air Resources Board
Clean Cities

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A123 Systems, Inc.
Freescale
AVL Powertrain Engineering, Inc.
National Science Foundation

GOLD SPONSORS
ETAS
Snap-on Tools

SILVER SPONSORS
Magna E-car
Magna Powertrain
Robert Bosch, LLC
FleetCarma
Siemens



BRONZE SPONSORS
CD-adapco
Vector CANtech
GKN Driveline
RIM
QNX
Woodward
Delphi Foundation
Caterpillar
Women in the Winner's Circle Foundation



Proclamation

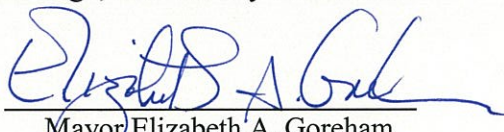
*Weatherization Month
October 2013*

- WHEREAS, the Department of Energy estimates that 20% to 40% of an average American family's energy bill is wasted through leakage, insufficient insulation, and failing ductwork; and
- WHEREAS, weatherizing can reduce energy bills by 32% or more, equivalent to hundreds of dollars per year,
- WHEREAS, greenhouse gas emissions from heating homes and business significantly to climate change; and
- WHEREAS, reducing use of fossil fuel will help insure a stable climate and sufficient resources for future generations and will enhance air quality for the health and safety of people today; and
- WHEREAS, all residents need to prepare their homes for comfort, safety, and efficiency in the coming winter season; and

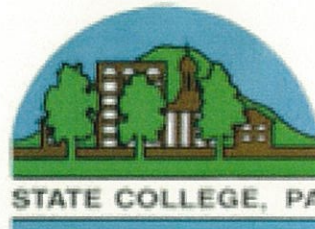
NOW, THEREFORE, I Mayor Elizabeth Goreham, do hereby proclaim October to be Weatherization Month in the borough of State College and call upon all residents of this great community to join me in supporting efforts to weatherize our homes and businesses.

FURTHERMORE, I encourage the citizens of State College to seek counsel and input from any person or group, such as the Department of Energy, with knowledge and expertise in matters concerning Weatherization.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed, the great seal of the Borough of State College, this 7th day of October 2013.



Mayor Elizabeth A. Goreham
October 7, 2013



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State College Borough Council Policy Briefing Summary

RE: Amendment to 2010-2014 Consolidated Plan and 2013 Consolidated Annual Action Plan

Date Prepared: September 9, 2013
Prepared By: Lu Hoover, Senior Planner
Proposed Meeting Date: October 7, 2013
Deadline for Action: October 7, 2013

I. **Request/Issue Needing Committee Action**

Borough Council should hold a public hearing and take action on the Amendment to the 2010-2014 Consolidated Plan and 2013 Consolidated Annual Action Plan.

II. **Current Policy and/or Practice**

Staff prepared the 2013 budgets anticipating a CDBG allocation totaling \$506,754 and HOME allocation totaling \$382,912. The actual 2013 federal budget adopted resulted in lower allocations. It is necessary to amend our budgets to account for these reductions in funds.

III. **Other Background Information**

State College Borough will receive \$486,590 in CDBG funding and \$333,604 in HOME funding.

IV. **Financial Impact on Budget**

Staff had budgeted allocations for CDBG and HOME at the 2012 funding levels. However, due to further cuts, the CDBG allocation is reduced by \$20,164 from the 2012 level and the HOME allocation is reduced by \$49,308 from the 2012 level.

V. **CDBG Citizen's Advisory Committee and Staff Recommendation and Reason**

In order to comply with the 15% cap on public services funding, the allocations for the agencies must be reduced. The total originally budgeted based on a \$506,754 budget was \$76,013. However, based on an allocation of \$486,590, the amount that can be budgeted is \$72,988. Proportional reductions would result in the following grant amounts:

FY2013 Revised Human Services Funding Chart			
Agency	FY2012 Grant	FY 2013 Recommendation	Revised FY 2013 Recommendation
House of Care Staffing Program	14,490	14,490	13,913
Housing Transitions, Inc. Employment & Housing Services	17,071	17,071	16,392
Youth Service Bureau Burrowes St. Youth Haven	9,522	9,522	9,143
Women's Resource Center Shelter Staffing Program	29,680	29,680	28,499
Youth Service Bureau Stepping Stone Transitional Living Program	5,250	5,250	5,041
Totals	76,013	76,013	72,988

The CAC and Staff recommend no change to the allocation of \$250,000.00 (including \$5,000 for project delivery costs) of CDBG funds for the Atherton Street Corridor Improvement Project and the allocation of \$86,893.80 for the State College Borough First-Time Homebuyer Program.

The amount budgeted for administration and planning is revised. The original budget estimated \$101,350.80 for administration. Based on the final CDBG allocation of \$486,590, the amount for administration would be reduced to \$97,318 to comply with the 20% cap. Contingency remains at \$12,858.39.

For the HOME program, the reductions result in allocations of \$141,781.70 to the State College Community Land Trust (SCCLT) and the Temporary Housing Foundation (THF) First Time Homebuyer Programs. In addition \$16,680.20 is budgeted for CHDO operating support for the SCCLT. The amount is reduced from the \$19,145 originally budgeted because there is a 5% cap on the amount of HOME funds that can be allocated for CHDO operating support. In addition, the amount budgeted for administration is reduced from \$38,921.20 to \$33,360.40 to comply with the 10% cap on administration.

Draft budgets summaries are attached.

**PROPOSED USE OF 2013 CDBG FUNDS
SUMMARY**

EXPENDITURES:

Administration and Planning \$97,318.00

Human/Public Services \$72,988.00

Centre County Women's Resource Center	28,499.00
Housing Transitions, Inc.	16,392.00
Burrowes Street Youth Haven	9,143.00
Stepping Stone Transitional Living Program	5,041.00
House of Care	13,913.00

Public Facilities and Improvements \$250,000.00

Atherton Corridor Improvement Project \$250,000.00 *

Housing \$86,893.80

First Time Homebuyer Program \$86,893.80

Total Expenditures \$507,199.80

Contingency \$12,858.39

TOTAL EXPENDITURES and CONTINGENCY: \$520,058.19

REVENUES:

2013 Fiscal Year CDBG Allocation	\$486,590.00
2012 Funds to be Reprogrammed	\$33,468.19
	\$520,058.19

* Includes project delivery costs for environmental review, labor compliance, advertising, legal services , misc. expenses

**2012 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
TO BE REPROGRAMMED**

A. 2012 Contingency \$33,468.19

**PROPOSED USE OF 2013 HOME FUNDS
SUMMARY**

EXPENDITURES

Administration \$33,360.40

Administration and Planning \$33,360.40

Homebuyer Program \$283,563.40

SCCLT CHDO Homebuyer
Program \$141,781.70

THF CHDO Homebuyer Program \$141,781.70

CHDO Operating Support \$16,680.20

CHDO (SCCLT) Operating
Support \$16,680.20

TOTAL EXPENDITURES \$333,604.00

REVENUES

2013 Fiscal Year HOME
Allocation \$333,604.00

**CONSENT AGENDA
October 7, 2013**

VII. Consent Items

Recommendation: Staff recommends Council approve the following consent items.

- A. Approve a resolution for the destruction of records in the Department of Ordinance Enforcement and Public Health.
- B. Approve the use of the sidewalks in front of Appalachian Outdoors, First National Bank, McLanahan's Allen Street Market, and Abercrombie & Fitch on Sunday, October 19, 2013, between the hours of 8 a.m. and 5 p.m., for the Appalachian Outdoors' Fall Outdoor Expo.
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**2013
LIST OF SPECIFIC RECORDS
TO BE DESTROYED**

Department	Record Title	Date
DOEPH	Eating & Drinking License Applications	2008
DOEPH	Restaurant Inspection Reports	2008
DOEPH	Retail Outlet License Applications	2008
DOEPH	Retail Outlet Inspection Reports	2008
DOEPH	Citations	2002
DOEPH	Snow Violations & Warnings	2008
DOEPH	Rental Housing Inspection Reports	2008
DOEPH	Weed Violations & Warnings	2008
DOEPH	Refuse Violations & Warnings	2008
DOEPH	Facility Plan Reviews	2008
DOEPH	Correspondence	2008
DOEPH	Purchase Requisitions	2008
Total 3 boxes		

Date Submitted
to Borough Secretary
September 27, 2013

RESOLUTION _____

DESTRUCTION OF SPECIFIC RECORDS

WHEREAS, By virtue of Resolution 706, adopted on the 6th day of December, 1993, the Borough of State College declared its intent to follow the procedures for the disposition of records, as set forth in the Municipal Records Manual, approved by the Pennsylvania Historical & Museum Commission, Division of Archival and Records Management Services, on July 16, 1993; and,

WHEREAS, In accordance with Act 428 of 1968 (the enabling legislation which governs the disposition of records in the State of Pennsylvania), as may be amended from time to time, each individual act of disposition shall be approved by Resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of State College, in accordance with the above-cited schedule, hereby authorizes the disposition of those public records, which are separately listed and hereby made a part of this Resolution.

RESOLVED this ____ day of _____, 2013.

ATTEST:

BOROUGH OF STATE COLLEGE

Sharon K. Ergler
Assistant Borough Secretary

By: _____
Donald M. Hahn
President of Council



STATE COLLEGE, PA

Date of Submission: 9/16/2013**Application for Use of Public Property
(Processions, Assemblages and Special Activities Form)**

Name of Responsible Sponsor: <u>Appalachian Outdoors</u>		
Address of Sponsor: <u>123 S. Allen St.</u>	Phone: <u>(814) 234-3000</u>	
<u>State College, PA 16801</u>	Cell: _____	
E-mail address: <u>Maggie@appondoors.com</u>	Fax: <u>(814) 234-2440</u>	
Other Contacts: (Primary) <u>Maggie Wilszcan</u>	Phone: _____	
(Secondary) <u>Geff Brugler</u>	Phone: _____	
Date of Activity: <u>10/19/2013</u>	From: <u>8 AM</u>	To: <u>5 PM</u>
Rain Date: (If applicable) _____	From: _____	To: _____
Type of Activity: <u>Fall Outdoor Expo</u>	No. Expected to Participate: <u>150 +</u>	

ACTIVITY DETAIL

Describe your proposed activity in detail: (Add additional sheets, if needed)

Vendor reps will be inside, community groups in the
outside - sidewalks - like in the Spring Outdoor Expo in April
2013

Does your activity require a street closure for this activity? ☒ No ☐ Yes

If yes, select the type of road to be closed: (For more information see map and list provided)

- ☐ State Road(s) Only (Additional Form Required: PennDOT TE-300 Form)
- ☐ Local Road(s) Only
- ☐ State Road(s) and Local Road(s) (Additional Form Required: PennDOT TE-300 Form)

Listed in order of route, what street(s) would you like closed for this activity? (Add additional sheets, if needed)

How long will the street closure be in effect? From: _____ To: _____

Will you need barricades and/or signs? ☒ No ☐ YesWill you need assistance closing the street? ☒ No ☐ YesAre you planning to use sidewalks only? ☐ No ☒ YesWill you cross any state roads? ☒ No ☐ Yes (If yes, submit TE-300 Form)

PLEASE NOTE: Sponsor is held responsible for the replacement value and/or repairs of missing cones, barricades, signs or message boards that are needed/required to close a street.

Date of Submission: _____

USE OF OTHER PROPERTY

If this event includes the use of a municipal park, please contact Centre Region Parks and Recreation by phone at (814) 231-3071 or by e-mail at crpr@crcog.net prior to submission of this form. Special park permits and conditions may also apply.

If any part of this activity is to take place on other public property, on campus or on private property an official of the other government agency, university or property owner must sign here:

Name: (Print) _____ Title of Official: _____
Address: _____ Phone: _____
Signature _____ Date: _____

CHARITABLE CAUSE: Is the Sponsor a non-profit organization? ☐ Yes ☐ No

If this activity is to benefit a charitable organization, name the recipient:

HEALTH CONSIDERATIONS: Will you be providing food or drink to the public? ☐ Yes ☐ No

If yes, have you made arrangements for approval/inspections with the
Department of Ordinance Enforcement and Public Health? ☐ Yes ☐ No

If no, please complete the form that is attached to this application and obtain approval, **prior to submission.**

Applicant recognizes and AGREES that the Borough requires the proposed activity to be conducted in such a manner as to promote harmony in the area, insure domestic tranquility and be within the limits established by existing ordinances. By signature below, applicant AGREES to protect, defend, indemnify and hold the Borough of State College and its officers, employees and agents free and harmless from and against any and all losses penalties, damages, settlements, costs or other expenses or liabilities of every kind and character arising directly or indirectly from this special activity. Applicant further AGREES to investigate, handle, respond to, provide defense for, and defend any such claims, etc., at applicant's sole expense and AGREES to bear all other costs expenses related thereto, even if such claims are groundless, false or fraudulent.

Signature: _____ Date: 9/16/2013

OFFICE USE ONLY: ROUTING FOR APPROVAL

Police Chief	_____	Public Works Director	_____	Health Director	_____
Parking Manager	_____	Parks Director	_____	Borough Manager	_____

THIS SERVES AS YOUR PERMIT

The State College Borough Council approved your application on: _____

Conditions (if any) are as follows: _____

Any change in this application, whether approved at all levels or not, must be resubmitted and routed through the same channels as if it were a new application.

**State College Borough Council
Summary Information for the Award of Contract**

Project Name: Professional Services Contract – Comprehensive Downtown Parking Master Plan

Date Prepared: October 2, 2013

Prepared By: Charles DeBow, Parking Manager

Proposed Meeting Date: October 7, 2013

Deadline for Action: October 7, 2013

-
1. **Project Description:** This project is to perform a comprehensive downtown parking master plan. When completed, this plan will supplement the recently completed Downtown Master Plan. A main objective of the parking master plan is an analysis on the location and size of a new parking facility that will replace the Pugh Street Garage which is at the end of its useful life.
 2. **Cost Estimate:** \$92,400
 3. **Amount Budgeted/Funding Sources for Project:** \$100,000 is budgeted for this project in the Parking Fund. An additional \$100,000 was also budgeted for this project in the 2014-2018 CIP that will not be needed.
 4. **Anticipated Award Date:** October 7, 2013
 5. **Contract Time:** Maximum of 12 months
 6. **Other Background Information:** Seven (7) proposals were received from the following vendors:

<u>Bidder</u>	<u>Amount</u>
Desman Associates Cleveland, OH	\$88,976.00
Walker Parking Conshohocken, PA	\$92,400.00
Trans Associates State College, PA	\$126,733.00
Carl Walker Parking Kalamazoo, MI	\$131,400.00
Timothy Haahs & Associates Blue Bell, PA	\$155,000.00

Langan New York, NY	\$188,575.00
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Nelson Nygaard Boston, MA	\$198,953.00
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The Borough Parking Manager, Planning Director, Public Works Director, and Purchasing Director met to discuss the proposals, and shortlisted the vendors to two: Desman Associates and Walker Parking, which ranked the highest based on the stated evaluation criteria in the Request for Proposals. Telephone interviews were then completed with both vendors to discuss in more detail the proposals and to ask clarifying questions.

7. **ABC Review and Comments:** None required
8. **Solicitor Comments:** None required
9. **Staff Recommendation and Reason:** Staff recommends that a contract to provide professional consulting services for the completion of the Comprehensive Downtown Parking Master Plan be awarded to Walker Parking Consultants in an amount not to exceed \$92,400. Walker Parking Consultants was ranked highest by Borough staff after completion of the proposal review process. Walker Parking has been doing consulting work for the Borough for almost 20 years. They have extensive knowledge of State College and the surrounding area as many members of the project team are graduates of Penn State. Based on the Borough's long standing and favorable history with Walker, their intimate knowledge of the area, and their professional qualifications, staff believes they are the most qualified firm to complete the Comprehensive Downtown Parking Master Plan.

Date of Submission: 9/13/2013

**Application for Use of Public Property
(Processions, Assemblages and Special Activities Form)**

Name of Responsible Sponsor: <u>SCHLOW CENTRE REGION LIBRARY/KAREN LAMBERT</u>		
Address of Sponsor: <u>211 S ALLEN ST.</u>	Phone: <u>814-235-7816 x207</u>	
<u>STATE COLLEGE, PA 16801</u>	Cell: _____	
E-mail address: <u>klambert@schlowlibrary.org</u>	Fax: _____	
Other Contacts: (Primary) <u>MARIA BURCHILL</u>	Phone: <u>814-235-7816 x204</u>	
(Secondary) _____	Phone: _____	
Date of Activity: <u>OCT 10, 2013</u>	From: <u>4:30 PM</u>	To: <u>6:30 PM</u>
Rain Date: (If applicable) _____	From: _____	To: _____
Type of Activity: <u>ZOMBIE WALK</u>	No. Expected to Participate: <u>25</u>	

ACTIVITY DETAIL

Describe your proposed activity in detail: (Add additional sheets, if needed)

ZOMBIE WALK/FOOD DRIVE. ZOMBIES WILL WALK THEIR ^{FOOD} DONATION TO THE FOOD BANK + BACK TO THE LIBRARY WILL STAY ON SIDEWALKS

Does your activity require a street closure for this activity? ☒ No ☐ Yes

If yes, select the type of road to be closed: (For more information see map and list provided)

- ☐ State Road(s) Only (Additional Form Required: PennDOT TE-300 Form)
- ☐ Local Road(s) Only
- ☐ State Road(s) and Local Road(s) (Additional Form Required: PennDOT TE-300 Form)

Listed in order of route, what street(s) would you like closed for this activity? (Add additional sheets, if needed)

N/A SEE MAP

How long will the street closure be in effect? From: _____ To: _____

Will you need barricades and/or signs? ☒ No ☐ YesWill you need assistance closing the street? ☒ No ☐ YesAre you planning to use sidewalks only? ☐ No ☒ YesWill you cross any state roads? ☒ No ☐ Yes (If yes, submit TE-300 Form)

PLEASE NOTE: Sponsor is held responsible for the replacement value and/or repairs of missing cones, barricades, signs or message boards that are needed/required to close a street.

Date of Submission: _____

USE OF OTHER PROPERTY

If this event includes the use of a municipal park, please contact Centre Region Parks and Recreation by phone at (814) 231-3071 or by e-mail at crpr@crcog.net prior to submission of this form. Special park permits and conditions may also apply.

If any part of this activity is to take place on other public property, on campus or on private property an official of the other government agency, university or property owner must sign here:

Name: (Print) _____ Title of Official: _____

Address: _____ Phone: _____

Signature _____ Date: _____

CHARITABLE CAUSE: Is the Sponsor a non-profit organization? ☒ Yes ☐ No

If this activity is to benefit a charitable organization, name the recipient:

STATE COLLEGE FOOD BANK

HEALTH CONSIDERATIONS: Will you be providing food or drink to the public? ☐ Yes ☒ No

If yes, have you made arrangements for approval/inspections with the Department of Ordinance Enforcement and Public Health?

☐ Yes ☒ No

If no, please complete the form that is attached to this application and obtain approval, prior to submission.

Applicant recognizes and AGREES that the Borough requires the proposed activity to be conducted in such a manner as to promote harmony in the area, insure domestic tranquility and be within the limits established by existing ordinances. By signature below, applicant AGREES to protect, defend, indemnify and hold the Borough of State College and its officers, employees and agents free and harmless from and against any and all losses penalties, damages, settlements, costs or other expenses or liabilities of every kind and character arising directly or indirectly from this special activity. Applicant further AGREES to investigate, handle, respond to, provide defense for, and defend any such claims, etc., at applicant's sole expense and AGREES to bear all other costs expenses related thereto, even if such claims are groundless, false or fraudulent.

Signature: Karen M Lambert

Date: Sept 13, 2013

OFFICE USE ONLY: ROUTING FOR APPROVAL

Police Chief _____ Public Works Director _____ Health Director _____

Parking Manager _____ Parks Director _____ Borough Manager _____

THIS SERVES AS YOUR PERMIT

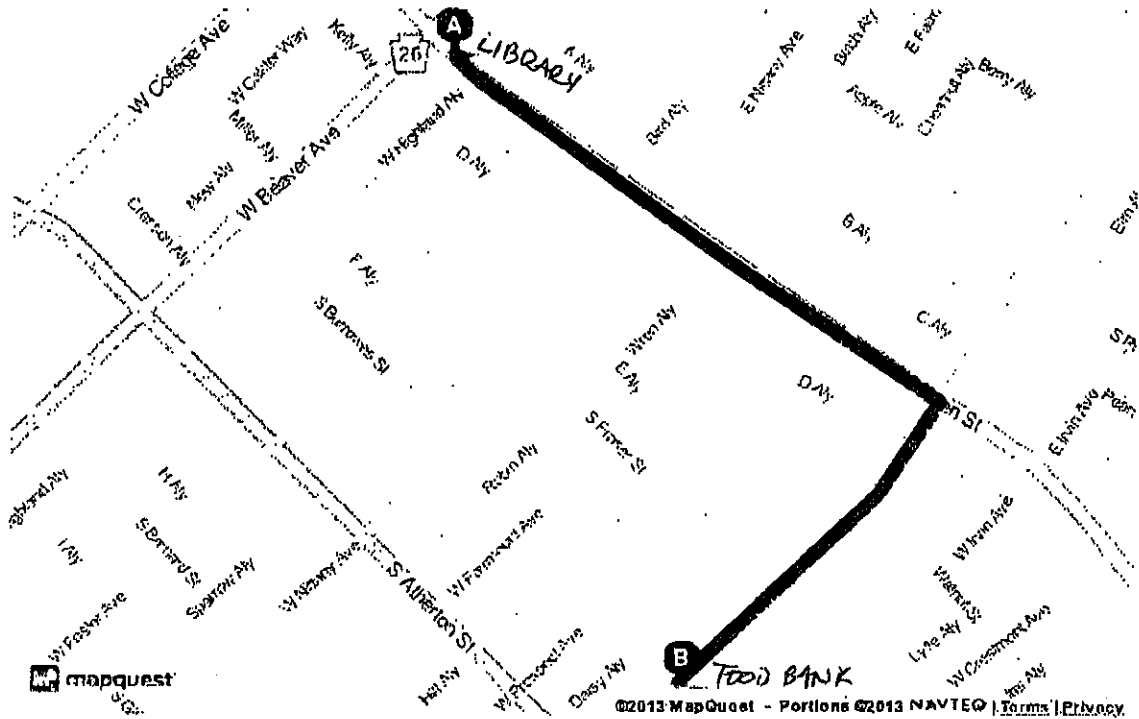
The State College Borough Council approved your application on: _____

Conditions (if any) are as follows: _____

Any change in this application, whether approved at all levels or not, must be resubmitted and routed through the same channels as if it were a new application.

Total Travel Estimate: 0.63 miles - about 2 minutes

BOOK TRAVEL with mapquest (877) 577-5766



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From: Erin Murtha [<mailto:eed110@yahoo.com>]
Sent: Thursday, September 12, 2013 4:17 PM
To: Messner, Anne; myerse@accuweather.com
Subject: My Status on Planning Commission

Hi Evan and Anne,

I wasn't sure who to direct this email to, so I thought I'd cover all the bases.

Well, I have good and bad news. The good news is that my husband and I are expecting another baby girl, due in mid-February. So, life is going to change quite a bit around the Murtha household with a 20 month-old and a newborn!

The bad news is that I don't think that I can fairly serve on the Commission after January. At this point, I don't think that I can commit to attending the meetings on a regular basis with all of the busyness of home and work.

I'm sorry to spring this on you, and I'm disappointed that I need to resign. I've thoroughly enjoyed participating on the commission this year. Perhaps when life slows down a little, if that ever happens, I can apply to join again.

Please let me know how I can help with the recruitment and transition of a new commissioner.

Best Regards,
Erin

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State College Borough Council Policy Briefing Summary

RE: Change Order Request for Atherton Street Corridor Improvements

Date Prepared: September 25, 2013
Prepared By: Alan W. Sam, Environmental Coordinator
Proposed Meeting Date: October 7, 2013
Deadline for Action: November 4, 2013

I. Request/Issue Needing Council Action

Council is requested to approve a change order to the contract with Stahl Sheaffer Engineering, LLC for engineering services associated with the Atherton Street Corridor improvements.

II. Current Policy and/or Practice

In March of 2012, Stahl Sheaffer Engineering signed a Professional Services Agreement with the Borough to develop a plan for the proposed improvements to the Atherton Street corridor in the amount of \$83,560. All change orders exceeding 15% of the original contract price must be authorized by Council. Previous change orders have exceeded the 15%, therefore this and all future change orders must be approved by Council.

III. Other Background Information

Stahl Sheaffer is nearing completion of the final phase of the project and preparing documents for bidding the project this fall. However, due to changes to the scope necessitated by proposed building project at the southwest corner of Atherton/College, additional design work was necessitated. The engineering consultant has submitted a change order request.

IV. Financial Impact on Budget

Funding for the design services was included in account number B-130-20-73-00-0000-000-93724. This is the third Change order and is in the amount of \$1,600. The total of all three change orders is greater than 15% of the original contract amount and requires Council's approval. Funding is available in the CDBG – 2013.

V. Authority, Boards and Commission Review

None Required.

VI. Staff Recommendation and Reason

Staff recommends Council approves the change order for Stahl Sheaffer in the amount of \$1,600. Stahl Sheaffer is prepared to begin work immediately and anticipates completing the additional work by the end of October of 2013.

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Revised Budget Review Schedule for the remainder of 2013

November 8, 2013	Noon Work Session to receive Proposed 2014 Operating Budget
November 18, 2013	Regular Meeting/Work Session to Review Budget
November 20, 2013	Work Session to Review Budget
November 26, 2013	Work Session to Review Budget
December 2, 2013	Regular Meeting and Public Hearing on 2014 Operating Budget/Work Session to Review Budget
December 9, 2013	Work Session to Wrap Up Budget Review
December 16, 2013	Regular Meeting and Adoption of 2014 Operating Budget

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**State College Borough Council
Policy Briefing Summary
RE: Service Facility Project**

Date Prepared: September 10, 2013
Prepared By: Thomas Brown, Sustainability Projects Coordinator
Proposed Meeting Date: October 07, 2013
Deadline for Action: October 07, 2013

I. Request/Issue Needing Council Action

Council is requested to take action on the intent to award a contract for the construction of the Borough Maintenance Facility. Additionally, Council is requested to finalize the scope of the contract by selecting which alternates, if any, should be included in the award. Council's intent to award will allow staff to proceed with financing options. Once financing is secure, Council will be asked to award the bid and to authorize the borrowing.

II. Other Background Information

The project was approved as part of the Borough Capital Improvement Plan for the past several years. Proceeds from a bond issue or bank loan is expected to fund the project. Contract documents and bid packages have been completed and bids have been received in accordance with Borough bidding policies.

III. Financial Impact on Budget

The lowest qualified bid was \$5,914,400. The lowest bid, including all the alternates (excluding CNG fueling equipment and the Picnic Pavilion) is \$7,738,300. Additionally, approximately \$600,000 was "borrowed" from the General Fund for professional services, which would be repaid as part of the bond issue or bank loan and \$500,000 would be set aside for contingencies. Approximately \$800,000 is also needed for the Atherton Street project that could be combined with this borrowing which brings the annual debt payments for \$9.64 million at 4% over 20 years to \$701,000. The \$9.64 million includes the \$600,000 to be repaid to the General Fund.

IV. Authority, Boards and Commission Review

A Facilities Advisory Committee, appointed by Council, was involved with the conceptual design as well as providing input on design elements that will make this a LEED eligible project. The Committee met in May to review the Schematic Design and preliminary budget estimates prepared by Buchart Horn, Inc./Basco Associates. Based preliminary Engineering/Architectural estimates, the Facility Advisory Committee advised the consultant to proceed to final design and approved the solicitation of bids for the project with a base bid and several alternates. The bids were received with the lowest responsive and responsible bidder in the following manner:

Base bid: \$ 5,914,400

Alternate Bids

Alternate A1:	\$867,000	Administration building
Alternate A2:	\$775,000	Automated truck wash / fuel island canopy & fuel tracking system
Alternate A2A	\$948,000	CNG Fueling Equipment
Alternate A3:	\$175,000	Police impound shelter
Alternate A4:	\$162,000	Community picnic pavilion
Alternate A5:	\$6,900	Provide perimeter insulation for the Cold Truck Storage

Staff presented the Bids to Borough Council on September 9th for review and consideration. Following a request from Council, the Facilities Advisory Committee reconvened last week to review the bids. The Committee made a recommendation to proceed with the project and award the base bid and alternates

A1, A2, A3 and A5, thereby rejecting Alternate Bids A2A (CNG fueling equipment) and A4 (picnic pavilion).

V. Staff Recommendation

Staff recommends that Council take action with the intent to award the base bid and alternates A1, A2, A3 and A5 in the amount of \$7,738,300 to Poole Anderson LLC of State College PA. Additionally, Council is asked to authorize staff to begin the procedure for the issuance of a General Obligation Bond or bank qualified loan in the amount of \$9.64 million to fund the Service Facility Projects and Atherton Street Project.

STATE COLLEGE BOROUGH

Interoffice MEMORANDUM

PUBLIC WORKS DEPARTMENT

To: Thomas J. Fountaine II, Borough Manager
From: Mark A. Whitfield, Public Works Director
Subject: Service Facility Project Bids
Date: October 1, 2013

The Borough received bids on the State College Borough Municipal Service Facility on August 30, 2013. Borough Council reviewed and discussed the bids at their September 9 Work Session and September 16 Regular Council Meeting. At the September 16 meeting, Council President Don Hahn recommended a review and recommendation by the Facility Advisory Committee. The Facility Advisory Committee met on Monday, September 30 to discuss the bids and the information below.

Borough staff has recommended award of the base bid and all the alternate, except for A2A (CNG fueling equipment). At the September 16 meeting, a motion was made to award the base bid only, and to rebid all the Alternates. A second motion was made to delay the decision until the October 7, 2013 meeting. The second motion passed unanimously. Council's discussions revolved around the following issues:

1. The bid price for the picnic pavilion by the lowest overall bidder, was the highest price of all the bidders, and should be rejected.
2. The cost per square foot of the administration building is exorbitant, and therefore should be rejected.
3. The Borough would be better served with a privately owned truck wash system within the Centre Region, that could be utilized by all other municipalities and the general public, rather than spending the money constructing our own facility.
4. If one were to factor the lowest quoted price for each alternate (from all bidders), there would be a significant savings realized by rebidding the project.
5. Alternate A5 (insulation of the foundation walls on the Cold Truck Storage Building) should be awarded.
6. What would be the cost for rebidding the project?
7. Because the contractor would already be on site for the base bid, would there not be a cost savings by doing all the alternates at the same time?
8. What is the "drop-dead" deadline for completion of the project to be in compliance with the approved Land Development Plan by Ferguson Township?

Discussion Items

Base Bid

The low bid for the base bid (Poole Anderson) was below the engineer's estimate (-5.2%) and was \$77,050 (or 1.3%) below the next closest bidder (ECI). The base bid includes all site work, salt storage building, cold truck storage building, heated truck storage building, covered debris storage area, and maintenance/upgrades to the existing service garage. Due to the competitiveness of the bids, the Facility Advisory Committee does not see an advantage to rebidding the project.

Administration Building (Alternate A1)

The engineer's estimate for Alternate A1 was \$698,000. The highest bid was \$1,021,000 and the lowest was \$803,000. The average of all the bid prices is \$890,000. Poole Anderson's (the low bidder for the base bid) price was \$867,000, which was below the average, but 9% higher than the lowest bid of \$803,000 (ECI). The building consists of 2600 square feet and will house two offices, a conference room, part/supply receiving room, a lobby, space for a clerk, restrooms, and utility rooms. Construction of the office building will free-up office space in the existing administration building to accommodate foreman, some of whom presently have offices in a converted parts room.

The architect for the project, Scott Loercher, provided the following information from the 2012 RSMeans Square Foot Costs for a Commercial/Industrial/Institutional 1 Story Office Building:

Exterior Wall	2000SF	3000SF	5000SF	7000SF	9000SF
Brick Veneer	\$257/SF	\$231/SF	\$209/SF	\$197/SF	\$192/SF

The cost per square foot for the Alternate A1 was discussed by the Committee and the Architect. Although the bid appears somewhat high the Architect's estimate for the Administration Building was around \$271 per square ft. The average of all the bids received was \$315 per sq. ft. The Poole Anderson bid was \$333 per square foot.

The Architect's explanation of the higher cost of this building can be directly attributed to costs not typically included in the RS Means SF cost, including: site work, security systems, lighting control, electric access systems, and LEED design items. The buildings envelop, windows, and HVAC system are designed to meet the LEED Silver Certificate requirements. Additional LEED items that account for additional costs are:

- Heat island Effect Roof
- Optimized Energy Performance (Improved by 24%)
- Controllability of Lighting Systems
- Controllability of Thermal Comfort Systems
- Daylight and Views

Obviously, the smaller the footprint of the building, the higher the per SF cost is. The architect's estimate was for \$271/SF, primarily due to the requirement for LEEDS Silver Certificate eligible. Of the bids received, the lowest three bids averaged \$315/SF, with a high of \$397/SF.

The high per SF cost can be associated with the Borough's requirement that the building be LEEDs Silver Certifiable. Both the Facility Advisory Committee and staff believed the LEEDs design would result in lower operating costs over time, which should not be compromised. The bid of Poole Anderson of \$867,000 appears to be valid, and at \$333/SF appears to be in line with other bids received. For this reason, the Facility Advisory Committee recommends Alternate A1 be awarded.

Truck Wash/Fueling Canopy (Alternate A2)

In reviewing the bids, it is the opinion of the architect that JC Orr had a bidding error, however there was no need to validate the bid since Orr was not being considered for award of the base bid. With the elimination of JR Orr's bid for Alternate A2, Poole Anderson has the lowest valid bid at \$775,000. Additionally Poole Anderson's bid is \$197,000 less than the architect's estimate of \$972,000.

Council's discussion around this item was primarily an interest in a shared facility operated/owned by a private entity. Presently, no such facility exists within Centre County, and presumably because the demand does not exist.

The proposed truck wash system will allow drivers to "pull through" the truck wash, allowing the vehicle to be washed in about 3 – 4 minutes. With the present high pressure hand wash system being used, it takes 25 – 40 minutes to wash large vehicles, such as refuse trucks and dump truck. Refuse trucks are washed 2 – 3 times a week, presently. The new system will allow refuse trucks to be washed daily. Additionally, it is extremely important to wash salt/plow trucks at the end of each snow event. On average, the Borough experiences 23 snow events each year. Because the long days (nights) in dealing with these events, and because only one truck at a time can be washed (at 25 – 40 minutes per truck), often the truck does not get washed. Additionally, employees are often on overtime while washing snow vehicles.

The truck wash system will save a significant amount of money in water and sewer bills, since the wash water is recycled. A significant time savings will be achieved, since vehicles can be "pulled through". Staff expects an increased life expectancy of vehicles, since salt, grease, oils, debris, and other materials can be washed off vehicles more often, and the system has a chassis wash system to wash the underside of the vehicles. (Most salt trucks are retired with low miles due to frame deterioration.) The system will also reduce the potential for slip and falls, and other injuries associated with high-pressure hand washing.

Borough staff does not believe there would be a significant savings in a contract service, even if one existed. If the site were on the north end or west end of town (near I-99), drivers would easily be spending 20 – 30 minutes per event driving to and from the facility. A comparable facility in Bedford charges \$65 per vehicle/wash. With just 6 refuse trucks being washed 280

days a year over 10 years, the cost would be over \$1,000,000 (not including the employee time driving to and from the facility). Finally, at an off-site facility, after a snow/salt event, a freshly washed vehicle would be required to drive over salt laden roads to return for storage.

The Facility Advisory Committee recommends the Truck Wash Facility and Fuel Island Canopy be awarded.

CNG Fuel Dispensing Equipment (Alternate A2A)

The architect's analysis of the bids suggests that Lobar had an error on their price for this Alternate, but because Lobar was not in the running for award, it was not further investigated.

Presently the PW Department is purchasing CNG fuel from CATA at a very low price. Because there is an expectation the cost of this equipment may come down in the future, staff recommended Alternate A2A not be awarded. The Facility Advisory Committee agreed with the staff recommendation.

Impound Shelter (Alternate A3)

While Poole Anderson's bid of \$175,000 was not the lowest for this Alternate, but their bid was under the Architect's estimate of \$186,000, was less than the average (\$182,700) of the seven bids, and was less than 5% above the lowest bid (\$167,700). The covered impound area is important for the preservation vehicle evidence by the police department.

The Facility Advisory Committee believes the bid is valid and Alternate A3 should be awarded.

Picnic Pavilion (Alternate A4)

Poole Anderson bid for Alternate A4 was the highest of all bidders, and would be a consideration for rejection. The picnic pavilion could be constructed at a later time, and is not critical for the operation of the department. The pavilion is an asset to the community and the surrounding neighborhood, however, since its use is open to the public. Because of the disruption to the adjacent neighborhood with the project, staff recommended serious consideration of awarding the pavilion despite the higher than normal cost. The Facility Advisory Committee did not believe the cost warranted the benefit, and recommended the picnic pavilion alternate be rejected.

Cold Truck Storage Foundation Insulation (Alternate A5)

This alternate was recommended by one of the interested bidders at the pre-job conference. If at any point in the future, heat were to be added to the Cold Truck Storage Building, it would be less expensive to install foundation insulation now, than in the future. While Poole Anderson's bid for the insulation was higher than the average of the bidders, it would be short-sighted not to complete the insulation work at this time. The Facility Advisory Committee recommends the award of Alternate A5.

Conclusion

Based on discussions between the Architect and the Facility Advisory Committee, any delays, including rebidding any portion of the project, will most likely result in little to no savings. The existing facility is over 50 years old, and has outlived its usefulness. The project is an investment for the next 50 years, at a time when construction bids are very competitive, and interest rates for borrowing are at historic lows.

The Facility Advisory Committee recommends Council award the Base Bid and Alternates A1, A2, A3, and A5.

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State College Borough Council Policy Briefing Summary

RE: Amendments to the Centre Region Building Safety and Property Maintenance Code Ordinance and the Regulation of Intermittent Rentals

Date Prepared: October 3, 2013
Prepared By: Planning Staff
Proposed Meeting Date: October 7, 2013
Deadline for Action: To Be Determined

I. Request/Issue Needing Council Action

Commencing in late 2012 Council has been considering amendments to the Centre Region Building Safety and Property Maintenance Code (PM Code). The impetus of this consideration is the triennial PM Code update process and input received from residents regarding Code changes, particularly as the Code relates to the regulation of one- and two-family rentals. Additional input was received in late 2012 and in the first several months of 2013 from neighborhood leadership, landlords/property managers/realtors, fraternities, and student leaders.

Staff synthesized this input and distributed a report to Council on the status of the PM Code revisions at the September 16, 2013 meeting. The focus of this report was Chapter 8 of the PM Code, the Chapter of the Code that deals with rental housing and nuisance properties. Included in that report was a series of staff recommendations on which parts of the Chapter 8 PM Code to change and what parts to leave untouched.

Staff has prepared a draft amendment to the PM Code for consideration by Council. This amendment is based on the recommendations of the September 16th report. As noted in the September 16th report, several key issues were identified by the constituencies that participated in the public dialogues on this topic. As summarized by staff, these issues were:

- Increasing the number of points assigned for noise violations from 2 points to 3 points
- Initiating permit suspension at 9 points instead of 10 points
- Revising the effective date of a permit suspension to make it effective immediately vacating of the property by all tenants instead of at the end of any leases in effect
- Modifying the current standard of initiating permit suspension for 2 over occupancy violations in a 4 year period
- Including violations of the student home regulations as a cause of permit suspension under Section 805 [4a], Rental Housing Permit Suspension for Zoning Violations of the PM Code.
- Removing the exemptions from the assignment of points for refuse, snow, and weed violations that are self-reported by the landlord
- Developing a separate licensing procedure for student homes

In the attached amendment, staff recommends the following:

- Maintaining noise ordinance violations as a 2 point violation.

- Maintaining the number of points that must be assigned to a property to trigger the rental permit suspension process at 10 points.
- Maintaining the effective date of a rental permit suspension at the end of the leases in effect or 1 year from the date of the issuance of the suspension notice, whichever is sooner.
- Maintaining the current 4 year period for initiating rental permit suspension for over occupancy.
- Not adding the violation of student home regulations to this of zoning violations that can result in the suspension of a rental housing permit.

Staff further recommends:

- Adding furnishing alcohol to minors as 2 point violation.
- Adding a penalty for violations that occur at a property during the time between the issuance of a rental permit suspension notice and the effective date of the suspension. As recommended, this penalty would carry a fine of from \$500 to \$1,000, depending on the nature of the violation. This is in addition to a 6 month extension of the permit suspension.
- Incorporating a student home licensing requirement into the Chapter 8 of the PM Code. This license would need to be renewed annually.
- Requiring property owners and persons-in-charge to provide a current email address to the Borough and CRCA as part of the permit application.

In addition to these issues, applying PM Code and/or Zoning regulations to homes that are rented intermittently, primarily during event weekends (e.g., Penn State home football games and commencement at Penn State) was suggested on several occasions. The Planning Commission has received comments at recent meetings from residents that it reconsider its recommendation to Council that no changes are needed in the current approach to addressing intermittent rentals. The Commission has discussed the merits of these comments and, at its meeting of October 2, 2013, approved a motion to advise Council of its interest in reconsidering its earlier recommendation. Staff supports this request, and unless Council objects, will reintroduce this topic on the Planning Commission's agenda.

II. Current Policy and/or Practice

Currently the Borough and the Centre Region Code Administration Agency utilize the 2009 edition of the International Property Maintenance Code, as amended.

On April 15, 2013 Council enacted Ordinance 2017 which removed the exemption from the assigning of points for refuse, snow and weed violations that are self-reported by the landlord.

III. Other Background Information

In the attached amendment, language related to the student home license requirement is in bold italicized font, language related to PM Code amendments is in bold italicized red font, and language in bold italicized green font was added to accommodate the changes already enacted by Council to remove the exemption from the assignment of points for self-reported violations of refuse, snow, or weed ordinances.

IV. Financial Impact on Budget

Budgetary impacts will vary depending on the solutions implemented. An analysis can be performed when the range of options has been further narrowed.

V. Authority, Boards and Commission Review

None to date. The role of ABCs will be determined following the identification of the preferred outcomes.

VI. Staff Recommendation and Reason

Staff recommends Council receive the proposed ordinance for consideration.

Attachments:

Proposed PM Code amendment.

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**Draft October 1, 2013
Ordinance _____**

Amending Chapter IV, Part L of the State College Borough Codification of Ordinances by Revising Chapter 8 of Part L to read as follows:

**CHAPTER 8
RENTAL HOUSING PERMITS**

**SECTION 801
GENERAL**

801.1 Scope. The provisions of this chapter shall govern the issuance, refusal, and maintenance of rental housing permits for the municipality.

**SECTION 802
HOUSING PERMIT**

802.1 Permit required. No person, firm, or corporation shall operate or rent to another, or provide for residential occupancy for XX or more days with or without compensation, any dwelling unit or rooming unit until a housing permit has been issued by the code official.

Note: for Section 802, XX is defined as the following in the respective municipality:

- 7 – College Township
- 7 – Ferguson Township
- 7 – Halfmoon Township
- 7 – Harris Township
- 7 – Patton Township
- 7 – Borough of State College

802.2 Permit application. Applications for permits shall be made to the Centre Region Code Administration Office on forms furnished by said office.

802.2.1 Student Home License application. *Applications for a student home license shall be submitted to Borough of State College Planning Department on forms provided by the Borough. The forms shall be signed by the owner or, if the owner is a corporation, an authorized agent of the corporation. Applications that do not contain all required information will be rejected by the Borough.*

802.3 Issuance or refusal. The code official shall issue a housing permit to the applicant upon proof that all of the following requirements have been satisfied:

1. Zoning use permit has been issued for the purpose for which it will be used;
2. *A student home license has been issued for all student homes as defined in Chapter XIX of the State College Borough Codification of Ordinances*
3. The structure complies with the provisions of this code and all other applicable codes and/or ordinances;
4. A proper housing permit fee has been submitted.

802.3.1 Issuance or denial of a Student Home License. *A student home license shall be issued by the Borough of State College upon proof that all of the following requirements have been satisfied:*

1. *A complete application for a license has been submitted*
2. *All requirements for student home use in Chapter XIX of the Codification of Ordinances have been met*
3. *The structure has been inspected by the Borough of State College and complies with all applicable provisions of Chapter XIX of the State College Codification of Ordinances*
4. *The correct student home license fee has been submitted.*
5. *The applicant has provided documentation to the Borough of State College that all owners of record of real property adjacent to the proposed student home have been notified of the receipt of the student home license application;*
6. *The applicant has provided documentation to the Borough of State College that the neighborhood association, if any, whose boundaries encompass the real property of the owner(s) of record have been notified/*

802.4 Renewal. Housing permits shall be renewed annually, on or before the permit expiration date of each year. A housing permit shall become null and void upon permittee's failure to submit the required or proper annual rental housing fee. No reduction shall be made for fractional yearly permits.

802.4.1 Student Home License Renewal. *Student home licenses shall be renewed annually with the renewal of the rental housing permit, on or before the permit expiration date of each year. A student home license become null and void upon licensee's failure to submit the required or proper annual student home license fee. No reduction shall be made for fractional yearly licenses.*

802.5 Late Fee. A late fee charge of ~~\$ 3.00~~ *equal in amount to the required permit fee* per unpaid unit shall be imposed after the date of permit payment due, and every 30 days thereafter.

802.6 Transferability. Housing permits *and student home licenses* shall be transferable upon change of ownership, providing the use permitted *and licensed* has not changed. The new owner or designated operator is required to promptly notify the Code Administration Office *and the State College Borough Planning Department within 5 business days of the* ~~upon~~ change of ownership.

802.7 Reserved.

802.8 Applications. Applications for rental housing permits *and student home licenses*, and applications for the renewal of rental housing permits *and student home licenses* shall be filled out completely and accurately including addresses, ~~and~~ telephone numbers, *and email address* for both the owner(s), and person-in-charge. The rental housing permit shall not be issued or renewed if an application does not contain all required information. *Applications for initial student home licenses and for student home license renewals shall contain all of the information required in Section 807 of this Part.*

802.8.1 Contact address. The contact address provided to the Centre Region Code Administration in accordance with Section 802.8 must be a valid address for the receipt of United States mail and shall be checked by the owner or person-in-charge on a regular basis.

802.8.2 Telephone number. The telephone number provided to the Centre Region Code Administration in accordance with Section 802.8 must be a valid telephone number capable of receiving and recording voice mail at all times. This number is considered the emergency contact number for this individual. A response to a voice mail left on this number by a representative of the Municipality or the Centre Region Code Administration shall be returned or responded to within 3 hours. A response to a voice mail left on this number by a tenant shall be returned or responded to within 3 hours.

802.8.3 E-Mail Address. *A valid e-mail address shall be provided to the Centre Region Code Administration in accordance with section 802.8. The e-mail address shall be considered an emergency contact and response to an e-mail left at this address by a member of the Municipality, Centre Region Code Administration or tenant shall be responded to within 3 hours.*

802.9 Rental housing permit fee. The rental housing permit fee shall be established by resolution of the Municipality.

802.9.1 Student Home License fee. *The student home license fee shall be established by resolution of the municipality.*

802.10 Display and use. The housing permit shall be made available by the owner/operator within 24 hours upon a request by any party or may be displayed. The issuance of a housing permit to an owner/operator shall constitute consent for an inspection. The housing permit is and shall remain the property of Centre Region Code Administration.

SECTION 803 PERSON-IN-CHARGE

803.1 Person-In-Charge. All owners of residential rental property shall designate a *person-in-charge* for each of their residential properties. The code official shall be notified as to who the *person-in-charge* is and of any changes to information required by this code within 3 calendar days.

803.2 Maintenance. The person-in-charge shall maintain all rental property under their control in compliance with the occupancy limits, as specified in the Zoning Ordinance of the Municipality. Further, the *person-in-charge* shall notify the owner of rental property of any and all violations issued against said property by the code official.

803.3 Tenant notification *The lease for each tenant(s) shall contain an addendum as prescribed by the Borough of State College with* ~~The person in charge shall be required to distribute to each tenant,~~ information regarding the following requirements, including reference to any ordinances. A signed copy of ~~this form~~ *the lease addendum* or proof of ~~form~~ delivery shall be maintained by the person-in-charge and shall be made available to the tenant, *code official, or municipality* upon request:

1. Maximum occupancy for the residential rental property;
2. Regulations regarding dogs (if present);
3. Regulations regarding property maintenance;
4. Regulations regarding refuse, parking, weeds and removal of snow and ice from sidewalks;
5. Information on the handling of recyclable materials;
6. Specific information regarding the State College Health Department and the Centre Region Code Administration including:
 - a. Basic property maintenance code requirements
 - b. Appropriate department to contact if a problem continues after notifying the landlord
 - c. Telephone numbers of the departments, addresses of the departments and the business hours of the departments

~~Contents of the tenant information material~~ *lease addendum* shall be developed by the Municipality and made available to property owners and managers. ~~Tenant information shall be in writing and shall be separate from any written lease. Tenant information shall be distributed annually.~~

7. Fire safety certification in accordance with Section 704.9
8. Regulations regarding tampering with fire protection equipment

SECTION 804

RENTAL HOUSING PERMIT SUSPENSION FOR OUTSTANDING VIOLATIONS AND IMMINENT HAZARD

804.1 Imminent hazard. Whenever an imminent hazard to community health, safety, or welfare exists at a property, the Building Code Official is authorized and empowered to order and require any structure on the property vacated within 10 days from the date of the order. At the end of the 10 days, a notice shall be posted at each entrance to the structure(s) stating that occupancy of the structure is unlawful and any person occupying the structure will be prosecuted. The Centre Region Building and Housing Code of Appeals shall schedule a hearing with the property owner within 10 calendar days from the date of the order. The purpose of the hearing will be to review the vacation order with the property owner or an authorized representative and to establish an abatement plan.

804.2 Outstanding violations. The Code Official may revoke the rental housing permit when a violation of this code has not been corrected after a period of 90 calendar days.

804.3 Suspension Procedures.

804.3.1 Notification. The Centre Region Code Administration shall notify the property owner of a suspension by written notice sent certified mail or delivered in person. The notice shall advise the property owner of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for violation of the suspension, and appeal rights and procedures.

804.3.2 Term of suspension and effective date. The effective date of a suspension shall commence on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a 1-year period. When there is no lease in force or when the lease or leases are for periods greater than one year, suspension shall commence upon the first day following the annual permit renewal date. The initial length of a suspension shall be for 6 months. The term of any subsequent suspension occurring within 5 years following the effective date of the first suspension shall be 12 months.

804.4 Appeal procedure for suspension initiated by the code official. Appeals of suspension initiated by the Code Official shall be heard by the Centre Region Building and Housing Code Board of Appeals in accordance with the procedures established for appeals to that Board, as referenced in Section 111. The Board of Appeals is empowered to sustain, withdraw, or modify the suspension.

804.5 Appeals to the Court of Common Pleas. Appeals by the property owner or Centre Region Code Administration of the Centre Region Building and Housing Code Board of Appeals decision shall be made to the Court of Common Pleas.

804.6 Effect of suspension. While under suspension, the residential unit subject to suspension shall be secured and vacated.

SECTION 805 [4A]

RENTAL HOUSING PERMIT SUSPENSION FOR ZONING VIOLATIONS

805.1. General. The rental housing permit of any 1-family dwelling, 1-family dwelling with an apartment unit or 2-family dwelling within the Borough shall be suspended whenever two or more zoning offenses, as described in Section 805.2, occur within any 4-year period. The 4-year period shall commence upon the date of the first enforcement notice or, in the event such notice is appealed, upon the date that a final determination in favor of the Municipality is made by either the Zoning Hearing Board or court of competent jurisdiction.

805.2 Applicable offense. An offense shall count towards suspension whenever a violation has been determined to have occurred at the property by a zoning officer and the landowner was sent a violation notice pursuant to Section 616.1, *Enforcement Notice*, as provided for in the Pennsylvania Municipalities Planning Code. In the event such

notice is appealed, the violation shall count towards suspension whenever the Zoning Hearing Board or court of competent jurisdiction rules in favor of the Municipality.

805.3 Additional notification requirements. In addition to the requirements contained in the Pennsylvania Municipalities Planning Code, the enforcement notice shall inform the landowner that any subsequent violation of the zoning regulations for occupancy or student home use that occurs within 4 years of the date of the current notice will result in suspension of the rental housing permit for the subject property with the consequence that the rental unit cannot be occupied during the term of the suspension.

805.4 Definitions. For the purposes of Section 805, 1-family dwelling, 1-family dwelling with a single apartment unit, and 2-family dwelling refer to housing classifications described and used in the State College Zoning Ordinance, Chapter XIX, Borough's Codification of Ordinances, Ordinance 559, as amended.

805.5 Self reported complaints. Self reported complaints filed by the property owner, property manager or person-in-charge that result in an enforcement notice being sent by the Borough shall not count towards the suspension of the rental housing permit provided the Borough has not already discovered the *violation or a 3rd party has not already made a complaint about the property prior to the self reported complaint. The property owner, property manager or person-in-charge shall provide proof that he or she attempted to correct the violation but has found the violation still exists. Self reported complaints shall not be used as an expectation or opportunity to avoid enforcement action by the Borough.*

805.7 Effect of concurrent violations. When an over occupancy violation and student home violation occur concurrently, the two violations shall count as only one offense towards suspension. Another violation of either or both that occurs within any 4-year period following the first preceding violation shall constitute a basis for suspension.

805.8 Offenses. For the purpose of this suspension provision, offenses are violations of the following two sections of the Borough's Zoning Ordinance, Chapter XIX, Borough's Codification of Ordinances, Ordinance 559, as amended:

805.8.1 Occupancy. Refers to regulations for use of 1- and 2-family homes under Section 501.1(3).

805.8.2 Student home. Refers to regulations for use of 1- and 2-family homes under Section 501.1(6).

805.9 Suspension Procedures.

805.9.1 Notification. The Borough shall notify the property owner of a suspension by written notice sent certified mail or delivered in person. The notice shall advise the property owner of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for violation of the suspension, and appeal rights and procedures.

805.9.2 Term of suspension and effective date. The effective date of a suspension shall commence on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a 1-year period. When there is no lease in force or when the lease or leases are for periods greater than one year, suspension shall commence upon the first day following the annual permit renewal date. The initial length of a suspension shall be for 6 months. The term of any subsequent suspension occurring within 5 years following the effective date of the first suspension shall be 12 months.

805.9.3 Effect of additional points. *Should additional points accumulate against the property* ~~During the time a rental housing permit is suspended~~ *or under consent agreement, should any additional points accumulate against the property, the violation(s) shall be considered to be a detriment to the health, safety and welfare of the Community. The property shall be deemed a nuisance property in violation of the Centre Region Building Safety and Property Maintenance Code, current edition. The owner, person-in-charge or the tenant(s) or either of them as the case may be shall be held responsible as determined by culpability. In the event responsibility for the violation(s) cannot be determined, the property owner shall*

be held responsible and subject to the penalties provided for in this section. In addition, the permit suspension shall be extended by 6 months.

- 1. A fine of up to \$500.00 for each point shall be assessed for violations which are one point violations.*
- 2. A fine of \$500.00 to \$1,000.00 shall be assessed for police incidents resulting in criminal prosecution and for violation of fire code which are 2 point violations.*
- 3. A fine of \$1,000.00 shall be assessed for police incidents resulting in criminal prosecution which are 3 point violations.*

805.10 Effect of suspension. While under suspension, the residential unit subject to suspension shall be secured and vacated.

805.11 Defense. When tenants are culpable for violations resulting in a suspension notice, the property owner may request a stay of suspension proceedings by providing written evidence of the initiation of eviction proceedings against culpable tenants. If tenants are evicted, the property owner may request termination of the suspension proceedings. If suspension has been stayed, but the tenants are not evicted, suspension proceedings can be reinstated by the Borough.

805.12 Consent agreement and stay of suspension. The Borough Manager is empowered during the course of an administrative inquiry on suspension of a rental housing permit to enter into a consent agreement with the landowner. The consent agreement may set forth steps and conditions designed to bring the property into compliance with Borough Ordinances and to maintain the property in a proper manner so that it ceases to be a Nuisance Property. In conjunction with the consent agreement, the Borough Manager may stay the effective date of the suspension to afford the landowner an opportunity to complete the steps as set forth in the agreement and to comply with any further conditions outlined in the agreement. If during the stay, a violation of the consent agreement occurs or additional points accrue, the stay shall be immediately lifted and the suspension reinstated.

805.13 Appeal procedure for suspension. Any affected landowner may appeal a suspension notice by first filing an appeal to the Borough Manager. All appeals must be filed in writing within 15 calendar days of receipt of the suspension notice. The Borough Manager shall hold an administrative inquiry within 30 calendar days of receiving the landowner's appeal, and shall notify the landowner of the date, time, and location of the administrative inquiry. Following the conclusion of the inquiry, the Borough Manager is empowered to take any of the following actions:

1. Sustain the suspension.
2. Overturn the suspension upon a finding that proper procedure was not followed or that the available evidence does not support suspension.
3. Stay or terminate the suspension pursuant to Section 805.11, Defense for Eviction Proceedings.
4. Enter into a consent agreement with the landowner and stay the effective dates of the suspension pursuant to Section 805.12 Consent Agreement.

805.14 Appeals to the Rental Housing Revocation Appeals Board (RHRAB). An affected property owner may appeal any adverse decisions or determinations made by the Borough Manager to the RHRAB. The appeal shall be filed, in writing, within 15 calendar days of receipt of the Borough Manager's decision. The RHRAB shall notify the appellant of the date, time, and location of the hearing, which shall be held within 30 calendar days of receipt of the request for hearing. The RHRAB is empowered to void, suspend or sustain the Borough Manager's decision. A fee for an appeal will be set by resolution of Borough Council from time to time.

805.15 Appeals to the Court of Common Pleas. Appeals by the property owner or Borough of the RHRAB's decision shall be made to the Court of Common Pleas.

SECTION 806 [4] RENTAL HOUSING PERMIT SUSPENSION FOR NUISANCE AND CRIMINAL VIOLATIONS

806.1 Conditions for suspension and assignment of points for nuisance and criminal violations. The rental housing permit for any property within the Borough shall be suspended whenever 10 or more points for offenses have accumulated individually or collectively at the property within a 1-year period and the property owner has received required notice. The 1-year (12-month) period is a rolling year, and shall be counted as the 12-month period that immediately precedes the date of the most recent offense.

806.2 Assignment of points. Points for offenses shall be assigned as follows:

1. 1 point shall be assigned for each offense of the following ordinances as set forth in Section 806.11, property maintenance, refuse, sidewalk obstruction, grass and weeds, and dogs. These points shall accumulate against a property at the time of issuance of a violation notice or citation.
2. 2 points shall be assigned for each offense of the following ordinances or statutes as set forth in Section 806.11: *noise control ordinance*, disorderly conduct, alcohol possession or consumption by a minor, drugs, simple assault, harassment, open lewdness, indecent exposure, and fire prevention code offenses. Points for fire code offenses listed in Chapter 7 or 9 shall accumulate against a property at the time of issuance of a violation notice or citation. Points for the other offenses shall accumulate against a property at the time of adjudication, unless the defendant is acquitted, found not guilty, or the case is withdrawn. Points shall also accumulate if, after being charged, a defendant ignores a citation or criminal complaint and a warrant is issued for the defendant's arrest.
3. 3 points shall be assigned for each offense of the following statutes as set forth in Section 806.11: furnishing alcohol to a minor, *6310.1, crimes code, furnishing to a minor, 493, liquor laws*, aggravated assault, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, and possession with intent to deliver controlled substances or look-alike substances. Points for these offenses shall count against a property at the time of adjudication unless the defendant is acquitted, found not guilty or the case is withdrawn. The points shall also accumulate if after being charged, the defendant ignores the citation or criminal complaint and a warrant is issued for the defendant's arrest.

806.2.1 Multiple violations. Upon discovery of multiple violations at a property, the maximum number of points that can accumulate in a 24-hour period is 3.

806.2.2 Self reported complaints. *With the exception of violation of ordinances; Municipal Waste, Chapter VIII, Part A, Grass and Weeds, Chapter IX, Part C and Obstructions on Sidewalks, Chapter XIV, Part G of the Borough Codification of Ordinances, §* self reported complaints filed by the property owner, property manager, person-in-charge, or a tenant of the premises that result in a prosecution that would otherwise cause points to be assigned to the property shall not count towards suspension provided the Borough *or Code Official or a 3rd party* has not already discovered the violation. *Self reported complaints as described in this section shall not be used as an expectation or opportunity to avoid nuisance property points from being assigned to the property.*

806.3 Notices required. Within any 1-year (12-month) period, written notices shall be issued as required below.

1. Prior to suspension of a rental housing permit, the Borough shall provide the owner of the subject rental property with a written notice entitled "Problem Property Notice" whenever offenses totaling 5 or more points accumulate at the rental property within any 1-year period. The Problem Property Notice shall list the offenses and state that should 10 or more points accumulate at the rental property, the property shall be deemed a "Nuisance Property" and the rental housing permit shall be suspended. The offenses subject to points are listed in Section 806.11 and the corresponding points are listed in Section 806.2.
2. The Problem Property Notice shall inform landowners that a written correction plan is required to be submitted to the Borough within 30 calendar days after receipt of the Problem Property Notice. The written

correction plan shall indicate the ways the landowner intends to take control of the property so that it does not become a Nuisance Property.

3. The Problem Property Notice shall inform landowners that they may request an informal meeting with the appropriate Borough Official, as designated in the notice, to discuss the violations and corrective actions intended to prevent the problem property from becoming a Nuisance Property. Owners requesting a meeting may appoint someone to represent them so long as their representative is authorized to act on their behalf, including but not limited to entering into agreements.
4. Whenever 10 or more points accrue at a rental property, a permit suspension notice shall be sent to the property owner advising that the rental property is now designated a Nuisance Property and the rental permit is suspended.

806.4 Suspension procedures.

806.4.1 Notification. The Borough shall notify the property owner of a suspension by written notice sent certified mail or delivered in person. The notice shall advise the property owner of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for violation of the suspension, and appeal rights and procedures.

806.4.2 Term of suspension and effective date. The effective date of a suspension shall commence on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a 1-year period. When there is no lease in force or when the lease or leases are for periods greater than one year, suspension shall commence upon the first day following the annual permit renewal date. The initial length of a suspension shall be for 6 months. The term of any subsequent suspension occurring within 5 years following the effective date of the first suspension shall be 12 months.

806.4.3 Effect of additional points. During the time a rental housing permit is suspended, should any additional points accumulate against the property, the permit suspension shall be extended by 6 months.

806.5 Effect of suspension. While under suspension, the residential unit subject to suspension shall be secured and vacated.

806.6 Defense. When tenants are culpable for violations resulting in a suspension notice, the property owner may request a stay of suspension proceedings by providing written evidence of the initiation of eviction proceedings against culpable tenants. If tenants are evicted, the property owner may request termination of the suspension proceedings. If suspension has been stayed, but the tenants are not evicted, suspension proceedings can be reinstated by the Borough.

806.7 Appeal procedure for suspension. Any affected landowner may appeal a suspension notice by first filing an appeal to the Borough Manager. All appeals must be filed in writing within 15 calendar days of receipt of the suspension notice. The Borough Manager shall hold an administrative inquiry within 30 calendar days of receiving the landowner's appeal, and shall notify the landowner of the date, time, and location of the administrative inquiry. Following the conclusion of the inquiry, the Borough Manager is empowered to take any of the following actions:

1. Sustain the suspension.
2. Overturn the suspension upon a finding that proper procedure was not followed or that the available evidence does not support suspension.
3. Stay or terminate the suspension pursuant to Section 806.6, Defense for Eviction Proceedings.
4. Enter into a consent agreement with the landowner and stay the effective dates of the suspension pursuant to Section 806.8. Consent Agreement.

806.8 Consent agreement and stay of suspension. The Borough Manager is empowered during the course of an administrative inquiry on suspension of a rental housing permit to enter into a consent agreement with the landowner. The consent agreement may set forth steps and conditions designed to bring the property into compliance with Borough Ordinances and to maintain the property in a proper manner so that it ceases to be a Nuisance Property. In conjunction with the consent agreement, the Borough Manager may stay the effective date of the suspension to afford the landowner an opportunity to complete the steps as set forth in the agreement and to comply with any further conditions outlined in the agreement. If during the stay, a violation of the consent agreement occurs or additional points accrue, the stay shall be immediately lifted and the suspension reinstated.

806.9 Appeal to the Rental Housing Revocation Appeals Board (RHRAB). An affected property owner may appeal any adverse decisions or determinations made by the Borough Manager to the RHRAB. The appeal shall be filed, in writing, within 15 calendar days of receipt of the Borough Manager's decision. The RHRAB shall notify the appellant of the date, time, and location of the hearing, which shall be held within 30 calendar days of receipt of the request for hearing. The RHRAB is empowered to void, suspend or sustain the Borough Manager's decision. A fee for an appeal will be set by resolution of Borough Council from time to time.

806.10 Appeal to the court of common pleas. Appeals by the property owner or Borough of the RHRAB's decision shall be made to the Court of Common Pleas.

806.11 Offenses. For purposes of this ordinance, offenses are those as set forth in the following ordinances or statutes:

806.11.1 Refuse. Refers to Garbage, Refuse, and *municipal solid waste* regulations enforced by the Health Department pursuant to Chapter VIII, State College Borough's Codification of Ordinances, Part A, Section 101, et seq. as amended.

806.11.2 Property maintenance (interior and exterior). Refers to regulations for the maintenance of residential property as generally enforced by the Centre Region Code Administration, pursuant to this code with the exception of Chapter 9 (Fire Code) as adopted by Chapter IV, State College Borough's Codification of Ordinances.

806.11.3 Sidewalk obstruction. Refers to regulations for clearing snow, ice, and other obstructions from sidewalks pursuant to Chapter XVI, State College Borough's Codification of Ordinances, Part G, Section 701, et seq. as amended.

806.11.4 Noise. Refers to the enforcement of the Noise Control Ordinance, Chapter V, State College Borough's Codification of Ordinances, Part A, Section 101, et seq. as amended *by Ordinance 1987*.

806.11.5 Vegetation. Refers to enforcement of grass and weeds pursuant to Chapter IX, State College Borough's Codification of Ordinances, Part C, Section 301, et seq. as amended.

806.11.6 Disorderly conduct. Refers to enforcement by Law Enforcement of Section 5503, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334.

806.11.7 Drugs and possession with intent to deliver. Refers to enforcement by Law Enforcement of *The Controlled Substance, Drug, Device and Cosmetic Act*, of April 14, 1972, P.L. 233, No. 64, as amended.

806.11.8 Alcohol. Refers to possession or consumption by a minor pursuant to Section 6308, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334, or ~~furnishing to a minor~~ *Furnishing Liquor or Malt or Brewed Beverages to Minors, pursuant to Section 6310.1, Crimes Code, Act of March 25, 1988, P.L. 262, No. 31, or Furnishing to a Minor*, Section 493, Liquor Laws, Act of April 12, 1951, P.L. No. 90, as amended.

806.11.9 Dogs. Refers to enforcement of dog offenses pursuant to Chapter II, State College Borough's Codification of Ordinances, Part A, Dogs, Section 101, et seq. as amended.

806.11.10 Fire Code. Refers to regulations for the prevention of fires at rental properties as adopted in Chapter 9 (Fire Code) of this code as adopted by Chapter IV, State College's Borough's Codification of Ordinances.

806.11.11 Simple Assault. Refers to enforcement by the Law Enforcement of Section 2701, Crimes Code, Act 172(1).

806.11.12 Aggravated Assault. Refers to enforcement by Law Enforcement of Section 2702, Crimes Code, Act 132 (3).

806.11.13 Harassment. Refers to enforcement by Law Enforcement of Section 2709, Crimes Code, Act 218(1).

806.11.14 Open Lewdness. Refers to enforcement by Law Enforcement of Section 5901, Crimes Code.

806.11.15 Sexual Assault. As enumerated in the Crimes Code referring to enforcement by Law Enforcement of Sections: 3121, Rape, Act 226 (1.1); 3122.1, Statutory Sexual Assault; 3123, Involuntary Deviate Sexual Intercourse, Act 226 (1.1); 3124.1, Sexual Assault; 3125, Aggravated Indecent Assault, Act 226 (1.1); 3126, Indecent Assault; 3127, Indecent Exposure.

806.12 Assignment of points for offenses. The assignment of points for offenses, as set forth in Section 806.11. of this ordinance, shall apply towards suspension of the rental housing permit for any 1-family house, duplex, multiple-family dwelling unit, rooming unit, or fraternity, as the case may be, in accordance with the following schedule:

1. 1-Family House or Fraternity House: Points shall be assigned to the property whenever an offense occurs anywhere on the property, including sidewalks within or along the boundary of the property, provided such offense is caused by a tenant or a guest at the property. Points for offenses committed by the property owner shall be assigned to the property.
2. 2-Family (Duplex), Multiple-Family or Rooming Unit: Points for offenses that occur within an individual dwelling or rooming unit shall apply to that unit. Points for offenses committed by a tenant or guest shall apply to the tenant's dwelling or rooming unit. Points for offenses committed by the property owner shall be assigned to the property in general.

SECTION 807

Student Home License

SECTION 807.1 GENERAL PROVISIONS

807.1.1 Scope. *This Part shall require the licensing of all student homes*

807.1.2 Purpose. *The regulation, inspection and licensing of student homes is intended to:*

- (1) Protect the health, safety, and welfare of persons affected by or subject to the provisions of this Chapter;*
- (2) Ensure that owner(s) of a student home, persons-in-charge, and tenants are informed of, and adhere to, all applicable code provisions governing the use and maintenance of student homes;*

807.1.3 Administration. *The Planning Department, as directed by the Borough Manager, shall be responsible for ensuring the equitable and effective administration of this Section.*

807.1.4 Student Home Defined: *For the purposes of this Part, a student home is any property that meets the definition of student home in the State College Borough Zoning Ordinance.*

SECTION 807.2. RENTAL HOUSING PERMITS REQUIRED FOR STUDENT HOMES

807.2.1 Rental License Requirements. *No student home shall be leased or occupied for rental purposes, in whole or in part, by any person unless it is first in compliance with the provisions of every section of this section. Occupancy of any dwelling by any person other than or in addition to the owner of record shall be presumed to require a rental housing permit issued by the Centre Regional Code Administration [Agency](#).*

SECTION 807.3 STUDENT HOME LICENSE AND EXPIRATION

807.3.1 Student Home License. *A license will not be approved for a student home use unless property complies with all applicable requirements for student home use expressed in Chapter XIX or for which a certificate of nonconformity has been approved by the Borough.*

807.3.2 Student Home License Expiration. *A license for a student home shall expire on the same date as the rental housing permit issued by the CRCA for said property.*

SECTION 807.4 APPLICATIONS FOR STUDENT HOME LICENSES

807.4.1 Application. *Applications for a student home license shall be submitted to the Planning Department.*

807.4.2 Registered Student Homes. *All student homes currently registered with the Borough of State College are eligible to receive a student home license upon completion and submission by the owner of an application for an initial student home license.*

807.4.3 Unregistered Student Homes. *The owners of any existing student homes not registered with the Borough of State College may register said student home within 60 days of the enactment of this ordinance, provided documentation that the unregistered student home is eligible to receive a certificate of nonconformity. State College Borough has the right to request additional documentation or to reject any documentation submitted by the owner.*

807.4.4 Initial application form and contents. *The student home license application shall be made on forms provided by the Planning Department. The forms shall be signed by the owner or, if the owner is a corporation, an authorized agent of the corporation.*

807.4.5 Renewal application form and contents. *An application for the renewal of a student home license shall be made on forms provided by the Borough of State College or its agent. An application for a license renewal shall be signed by the owner and contain the same information as an initial application unless the owner certifies there*

have been no changes from the previous application, in which case information on the previous application may be incorporated by reference into the application for license renewal.

807.4.6 New owner application form and contents. An application for the new owner or prospective new owner of a previously or currently licensed student home shall be made of forms provided by the Borough of State College.

SECTION 807.5. INSPECTION OF STUDENT HOMES

807.5.1 Initial Student Home License Inspection. Within 60 days following the acceptance of an application for an initial student home license, the proposed student home shall be inspected for compliance with the requirements of the State College Borough Zoning Ordinance.

807.5.1.1 Scheduling of Inspections. Owners and Person-in-Charge shall be notified of inspections in accordance with the following:

(1) Prior to conducting an inspection for student home license application the Borough of shall give the owner and person-in-charge reasonable notice by first class mail sent to the address on file. The notice shall contain the date and time of the inspection.

(2) The owner or person-in-charge must be present at all inspections.

807.5.2 Renewal inspection. Notice of inspections for the renewal of student home licenses shall follow the procedures in section 5.1.1 above.

807.5.3 Additional inspections. When any violations of the State College Borough Zoning Ordinance are found during an inspection said inspection shall not be considered to have been completed until the Planning department determines that all violations have been corrected or that a satisfactory schedule has been provided by the property owner for the correction of the violations. The Planning Department may require such additional inspections as deemed necessary to determine that all violations have been corrected.

807.5.4 Notice of Violations

The property owner and person-in-charge shall be promptly notified in writing of the existence of any violations found during an inspection of a property. For purposes of this subsection, "violation" shall mean any distinct violation of the Zoning Ordinance

This notice shall either be sent by first class mail to the address(s) for the owner and person-in-charge contained in the rental unit license application, renewal application or reinstatement application or delivered to the owner or person-in-charge in person. The notice shall contain all information required by the applicable notice of violation sections of the State College Borough Zoning Ordinance, as appropriate. All violation notices shall provide a reasonable time limit within which the violations must be corrected.

807.5.5. Additional inspections. *In addition to the initial or renewal inspections, inspections may be scheduled on one or more of the following bases:*

- (1)By area, such that all student homes in a predetermined geographical area will be inspected simultaneously, or within a short period of time.*
- (2)By written complaint, such that written complaints of violations will be inspected within a reasonable time.*
- (3)By recurrent violations, such that any covered student home which has been found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.*
- (4)For the purpose of re-inspection to ensure the correction of any violations in existence at a previous inspection.*

807.5.6. Notice of Additional Inspections. *For any inspection authorized by this article or other codes and ordinances, other than an initial or renewal inspection, the Borough shall attempt to give the owner and the person in charge reasonable notification of the date and time of the inspection unless probable cause exists to believe the lack of notice is necessary for the appropriate conduct of an investigation.*

807.5.7. Inspection authorization. *An application for a student home license shall authorize the entry upon and inspection of the premises at all reasonable times as required by this Part to the extent permitted by law. The failure of an owner to permit an inspection of the rental unit after notice is given shall constitute a withdrawal of the rental unit license application and a reason for denial of an application.*

807.5.8. Inspection reports. *A copy of all inspection reports shall be mailed to the tenants.*

Section 807.6. Standard student home license provisions. *A student home license shall show the following:*

- (1)The date of issuance and expiration date;*
- (2)The maximum number of persons who may occupy the student home;*
- (3)The tax parcel identification number, street address and unit number of the student home;*
- (4)Notification that the student home license is subject to the imposition of terms and conditions, suspension, summary suspension, or revocation based upon failure to comply with the applicable requirements of the Borough Code;*
- (5)The name, telephone number, postal address, email address of the owner and the person-in-charge;*
- (6)The type of the student home license;*
- (7)Any requirements or restrictions imposed by the Borough on the license pursuant to this Part or Chapter XIX of the Borough of State College Codification of Ordinances.*

Section 807.8. Appeals. *Any decision by the Planning Department Director regarding the approval, approval with conditions, or denial of a student home license may be appealed to the Borough Manager within 21 days from the*

date the Planning Department mails, by first class mail, notice of the Planning Department Director's action to the appellant.

Section 807.8.1 Appeals of the decision of the Borough Manager on any appeal of an action by the Planning Director shall be to the court of competent jurisdiction.

Section 807.8.2 Effect of appeal. Except for an appeal from an emergency rental unit license suspension order, appeals to the Borough Manager shall operate to stay any order or action until a decision is reached. A stay shall not relieve an owner of any obligation to correct any property maintenance code violations; to schedule any licensing inspection or re-inspection; to cooperate with code officials to facilitate any complaint investigation; or to pay any licensing, inspection or re-inspection fee.

SECTION 807.9 ENFORCEMENT

807.9.1 Maximum licensed occupancy. No owner, person-in-charge, or person occupying any student home licensed under this chapter shall knowingly, or under circumstances where the owner, owner's legal agent, or person in charge should have known, allowed the student home to be occupied by more than the number of persons permitted by the student home license. Each day that a violation exists shall constitute a separate offense.

807.9.2 Occupancy without a license. No person shall occupy, and no owner or person-in-charge shall allow a person to occupy, a student home unless a license applicable to the student home has been issued and remains in effect. Each day that a violation exists shall constitute a separate offense.

807.9.3 Occupancy of nonhabitable space. No person shall occupy for sleeping purposes, and no owner or person-in-charge shall allow a person to occupy for sleeping purposes, the nonhabitable spaces, as defined in the Centre Region Building Safety and Property Maintenance Code, of a student home. Each day that a violation exists shall constitute a separate offense.

807.9.4 False statements. No person shall knowingly make any false statement or provide any false information on a rental unit license application to any employee of the Borough of State College or other authorized person in relation to any investigation of a violation of this Part.

807.9.5 Coercive conduct. No person shall coerce, threaten, or intimidate any person into failing to report, or as a result of reporting, a violation of the State College Borough Codification of Ordinances, or to waive any rights established by law.

807.9.6 Transfer of complaint inspection fees. *No owner or Person-in-Charge shall transfer or attempt to transfer fees imposed for complaint inspections to the tenant making the complaint unless the owner or owner's legal agent was not given a reasonable opportunity to repair the violation prior to the complaint or the tenant was responsible for the violation which gave rise to the complaint.*

Section 807.10. Penalty. *Any person who shall violate any of the provisions of this ordinance shall, on conviction thereof, be sentenced to pay a fine of not more than \$500.00 for the first offense in any calendar year and not more than \$1000.00 for the second and subsequent offenses in any calendar year plus all costs. Upon failure to pay such fine and costs, to imprisonment for not more than 30 days. Each day's continuance of a violation of any provision of this ordinance shall constitute a separate offense.*

SECTION 807.11. Severability. *If a section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.*

ENACTED AND ORDAINED this ____ day of _____, 2013

ATTEST: BOROUGH of STATE COLLEGE

_____ By: _____

Sharon K. Ergler

Donald M. Hahn

Assistant Borough Secretary

President of Council

EXAMINED AND APPROVED as an Ordinance this ____ day of _____, 2013.

Elizabeth A. Goreham

Mayor

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State College Borough Council Policy Briefing Summary

RE: Application for Supportive Housing Program Funding

Date Prepared: September 20, 2013
Prepared By: Planning Staff
Proposed Meeting Date: October 7, 2013
Deadline for Action: October 7, 2013

I. Request/Issue Needing Council Action

Council is requested to authorize planning staff to prepare and submit a renewal application on behalf of the Centre County Affordable Housing Coalition for HUD Continuum of Care funds (Hearth Homeless Assistance Act) funds for the Local Shelter Support Initiative Program.

II. Current Policy and/or Practice

State College Borough has applied for and received HUD Continuum of Care funds (Hearth Homeless Assistance Act) for the Local Shelter Support Initiative Project since 2002. The purpose of the shelter project funding is to increase the capacity of Centre County Women's Resource Center, Housing Transitions, and Burrowes Street Youth Haven to provide services to homeless mental health consumers and homeless youth.

The shelters began providing services through this grant on January 1, 2004. Each year approximately 20 persons are served through the program. This project has enabled the shelters to serve consumers, who due mental health issues, could not have been served without the additional staffing the grant provides. It pays for additional case management services on an as-needed basis using existing staff. It enables the shelters to provide additional supervision, life skill development and support services coordination, provide education to shelter staff in serving special needs populations, and coordinate services including referral, as well as residential and crisis intervention.

III. Other Background Information

This project is an initiative of the Centre County Affordable Housing Coalition, which needs a sponsor for the application. Local governments are eligible to apply, and the Coalition has requested the Borough again sponsor this application. Planning staff responsibility consists primarily of serving on a participant selection committee as needed, reviewing payment requests, drawing funds to reimburse the agencies for services provided and program monitoring and reporting. The application will be for \$11,079.

IV. Financial Impact on Budget

Financial impact is limited to staff time. There is a 20% match requirement, but the three organizations are going to contribute the matching funds; no request for funding is being made of the Borough. Staff from Housing Transitions, will coordinate with planning staff to write the

application, implement the program and prepare the annual performance report to be submitted by the Borough. Planning staff will carry out the responsibilities noted in Item III.

V. Authority, Boards and Commission Review

N/A.

VI. Staff Recommendation and Reason

Staff recommends applying for the funding which enables the shelters to serve consumers, who due mental health issues could not otherwise be served.

Attachments: None.

State College Borough Council Policy Briefing Summary

RE: Sidewalk pavers on Fraser Street in front of Memorial Field

Date Prepared: October 2, 2013
Prepared By: John Wilson, Zoning Officer
Proposed Meeting Date: October 7, 2013
Deadline for Action: October 7, 2013

1. Request/Issue Needing Council Action

As part of the Memorial Field renovation project, the State College School District submitted a comprehensive Land Development plan. As part of their plan, red brick pavers will be used on the public sidewalk on the Fraser Street side of the field. The use of brick pavers was approved by the Public Works Department and by the Planning Department with the provision that the type of paver used meets the Borough's current standards. Also, that the installation of the pavers must be in compliance with all Borough Ordinances. This work is currently being completed.

The State College School District is planning to begin a project on October 11th, which will include selling personally inscribed pavers to replace the ones used in the public sidewalk on Fraser Street. The inscribed pavers will be of the same color and type approved for the current installation. The School District hopes to eventually replace up to eight or nine thousand standard pavers with the inscribed pavers. It is the interpretation of Zoning Staff that inscriptions on pavers constitutes a sign under definitions found in the Zoning Ordinance. Therefore, the State College School District requests authorization from Council to place inscribed pavers on the public sidewalk between Memorial Field and Fraser Street.

II. Other Background Information

The School District has developed a policy statement which will regulate the inscriptions permitted on the pavers. They plan to formally announce and initiate the sale of pavers at the Memorial Field rededication ceremony which is scheduled on October 11, 2013.

III. Financial Impact on Budget

No impact on the budget anticipated.

IV. Authority, Boards and Commission Review

This project was reviewed by Borough staff. The use of pavers matches the general concepts of the master plan. The project was also reviewed by the Director of Public Works as well as the Borough Engineer. Installation of the pavers must meet or exceed all the requirements for public sidewalks.

V. Staff Recommendation

Borough staff recommends that Council authorizes the State College School District to replace existing brick pavers with inscribed pavers on the public sidewalk on the west side of Memorial Field. Borough Council is empowered to authorize signs on public property in the Borough of State College under Zoning Chapter XV, Section 104, (h). The inscribed pavers which will replace existing unmarked pavers, must be of the same color, type and size. When replacing pavers, they must comply with current anti-skid standards. The School District will continue to assume the responsibility for maintenance, replacement of damaged pavers.

Attachments:

1. Borough Zoning Ordinance: Definition of sign.
& Borough Zoning Ordinance re. Council Waiver.
2. Site plan for Memorial Field.
3. Memorial Field "Buy a Brick" Standards and Policies

Section 104. Signs Prohibited In All Districts. The following signs shall not be permitted erected or maintained in any district, notwithstanding anything else contained in this ordinance or elsewhere. Signs which are prohibited in paragraphs marked with an asterisk (*) shall be removed or brought into conformity with the provisions of this ordinance within 90 days after the ordinance is passed.

a. Signs which incorporate, in any manner, any flashing or moving illumination or with illumination which varies in intensity or which varies in color and signs which have any visible moving part, visible revolving parts or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsations or by actions of normal wind currents, except when not visible from motor vehicles traveling on public roadways. Hanging signs which simply swing in the wind and clocks and time and temperature signs and barber poles may be exempted provided they comply with all other provisions of this ordinance.

b. Light sources which cast light on signs shall be shielded by opaque material so that the lamps are not visible from off the property on which the signs are located.

c. *Any sign or sign structure which constitutes a hazard to public safety or health.

d. Signs which, by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers, either when leaving a roadway or when entering a roadway from another roadway or driveway, or obstructs or detracts from the viability or effectiveness of any traffic sign or control device on public streets and roads.

e. *Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required exitway.

f. *Signs which make use of words such as "stop," "look," "one-way," "danger," "yield" or any similar words, phrases, symbols, lights or characters, in such manner as to interfere with, mislead or confuse traffic.

g. *Any obsolete sign which no longer advertises a bonafide business conducted or product sold.

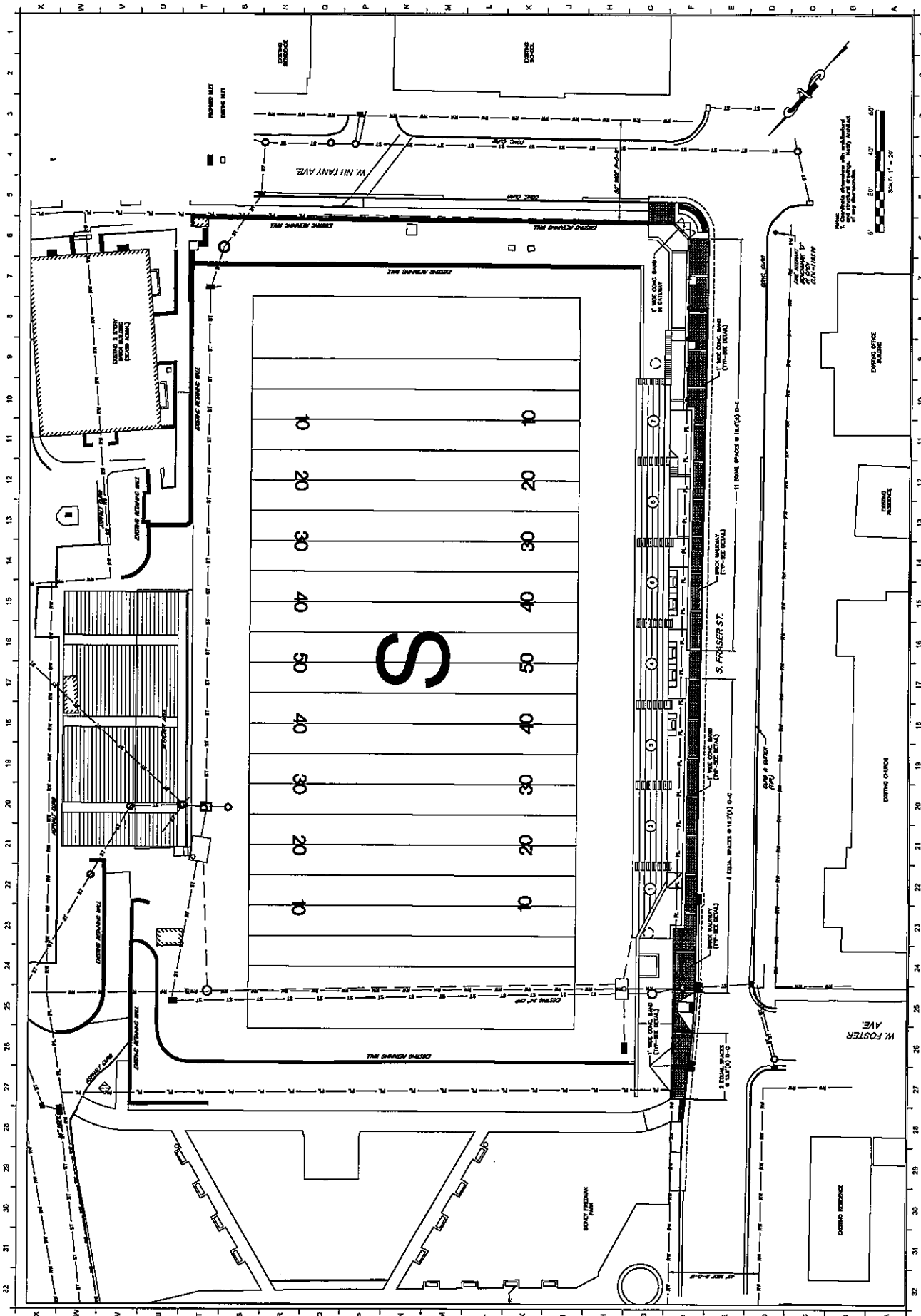
h. *Signs on public property or public rights-of-way, unless erected, required or authorized by the Borough Manager or Council.

i. Signs painted on, attached to or supported by a tree, stone, cliff or other natural object, except signs permitted under Section 103.i herein.

j. String lights, other than temporary holiday decorations, which are unshielded from off the property on which they are located.

k. Searchlights, pennants, spinners, banners, and streamers, except for occasions such as grand openings and then only with the special permission of the Design Review Board or the Sign Inspector. Use shall be limited to a 15-day period.

(Ordinance 888, April 5, 1976, Section 3.03, as amended by Ordinance 945, November 9, 1978, Ordinance 1001, April 7, 1981, Section 3, and by Ordinance 1446, June 22, 1994.)



Memorial Field "Buy-a-Brick" Standards/Policies

The State College Area School District, in its sole discretion, reserves the exclusive right to:

- Make all decisions regarding the sale, content, location and installation of Memorial Field inscribed brick pavers, including, without limitation, the right to decide whether a proposed brick paver does or does not substantially comply with the requirements of the program.
- Accept, reject, or negotiate modifications in any sponsor's content proposed for brick pavers.
- Accept or reject any and all applicants including individuals, families, groups, organizations or businesses.

The following conditions are a prerequisite for acceptance of inscribed bricks and are offered as general guidelines for all potential sponsors of the "Buy-a-Brick" fundraising campaign.

1. No vulgar or profane language will be permitted.
2. All inscribed content must be in concert with the educational mission of the District.
3. No inscriptions directly or indirectly related to alcohol or tobacco will be permitted.
4. Inscriptions cannot violate District policies, rules, regulations or procedures.
5. Inscriptions cannot violate any local, state or federal statute, law, rule or regulation.
6. Inscriptions are limited to legal names of individuals, families, organizations or businesses.