

Meeting Minutes
State College Borough Council
July 7, 2008

The State College Borough Council met in a special meeting, prior to their regular meeting, on Monday, July 7, 2008, at the State College Municipal Building, 243 South Allen Street, State College, PA. The purpose of the special meeting was to conduct a tour of the emergency exit ladders at 347 West Pine Grove Road in Pine Grove Mills.

Present: Bill Welch, Mayor
Elizabeth A. Goreham, President of Council
Ronald L. Filippelli
Donald M. Hahn
Theresa D. Lafer
Silvi Lawrence
Peter Morris
James L. Rosenberger

Council members, as well as Borough staff and COG Fire Inspector Tim Knisely traveled to the Chatelaine Bed and Breakfast in Pine Grove Mills to observe an emergency escape ladder used as a means of egress from the building's third floor.

Upon arrival back at the municipal building Council convened an executive session.

The regular meeting was then called to order in Room 304 at 7:30 p.m. by Mayor Welch.

Also present: Terry J. Williams, Solicitor; Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Manager for Community Services; Roger Dunlap, Assistant Manager for Budget & Administration; Carl R. Hess, Planning Director; Thomas R. King, Chief of Police; Herman L. Slaybaugh, Zoning Officer/Planner; Anne Messner, Planner; Mark Whitfield, Public Works Director; Chelsea Puff, Intern; Beth Johnston, Director of Human Resources; Tim Grattan, Information Technology Director; Norma Crater, Finance Supervisor; Ross Momyer, Finance Intern; Cynthia S. Hanscom, Assistant Borough Secretary; members of the media; and other interested observers.

Mr. Welch began with a moment of silence and the Pledge of Allegiance.

Public Hour. There were no members of the public wishing to speak.

PUBLIC HEARINGS

Zoning Amendment: Planned Commercial Districts Setbacks. Staff noted that Council received a zoning amendment to modify the setbacks in the Planned Commercial districts at the meeting of June 2, 2008.

Mr. Hahn submitted a letter that identified a professional conflict of interest and state he would abstain from all Council votes on this matter.

Staff explained the request came from a property owned by Walk's Towing on South Atherton Street in the CP-2 zoning district. The Planning Commission made a recommendation that the sideyard setback for a commercial use abutting a mixed use would be decreased from 20 feet to 0 feet, and the rearyard setback for a commercial use abutting a non-residential zone would be decreased from 40 feet to 20 feet.

Roy Walk, owner of the business located at 827 South Atherton Street, commented the changes would be for mixed uses and would permit commercial uses to blend with the other residential and commercial uses.

There being no further public comments, Mr. Welch closed the public hearing.

Ms. Lafer moved to approve Ordinance 1899 enacting the zoning amendment. Mr. Morris seconded the motion. The vote was 6-0-1, with Mr. Hahn abstaining.

Second Egress for Two Story Rentals. Staff reported that Council received a report and recommendations at the June 2 meeting to revise the regulations in the Property Maintenance code requiring a second means of egress for two story, one and two family rental homes when a window is more than 20 feet from windowsill to grade. Staff presented a second report with recommendations that Council:

- Repeal the 20 foot rule for 2 story residential properties (sprinkler/second egress requirements would continue to apply to 3 story rentals)
- Revise the definition of habitable space as used in sections 702.5 through 702.5.2 of the Property Maintenance code to exclude kitchens.

Anita Genger, 400 South Gill Street, said that she had an owner-occupied rental property with a third floor apartment. She recommended ladders be permitted and suggested that special consideration be given to owner-occupied rentals.

David Nevins, owner of numerous rental properties, endorsed the repeal of the 20 foot rule.

Eric Boeldt, 400 South Gill Street, recommended that flexibility be built into the system and consideration be given to historic properties.

There being no further comments, Mr. Welch closed the public hearing.

Ms. Goreham moved and Mr. Hahn seconded a motion to discuss the amendment at a future work session. The vote on the motion was 7-0-0.

Consent Items. Mr. Hahn moved to approve the following consent items. Mr. Rosenberger seconded the motion, which passed with a 7-0-0 vote.

- Approve the use of Willard Circle for a neighborhood picnic on Saturday, July 19, 2008, from 10:00 a.m. to 7:00 p.m.
- Approve the use of various sidewalks in the Highlands neighborhood, and to close Locust Lane (between Foster and Fairmount Avenues) to conduct the 3rd Annual Polar Bear 5K Walk/Run on Sunday, December 7, 2008, from 11:30 a.m. to 2:30 p.m.

- Approve the use of Allen Street (between Beaver and Foster Avenues) and the State College Municipal Building Plaza for the Best of the Best Car Show on Saturday, July 26, 2008, from 5:00 p.m. to 10:00 p.m.
- Appoint the following members to the Human Relations Commission:

Name	Term to Expire
Gregory J. Mussi	December 31, 2010
Michael L. Eggert	December 31, 2010
Matthew R. Smith	December 31, 2009
Lauren Dornell-Neal	December 31, 2008

Mr. Hahn suggested the following change to the minutes of June 2, Page 426, 7th paragraph, 2nd sentence, to read, “Some members said that the Planning Commission should come up with language to present for Council consideration while others felt that, because the proposed changes were initiated by Council, it was appropriate for Council to play a more active role by submitting specific language for the Commission to consider. “ Also in the first sentence of 8th paragraph, the word “could” be changed to “should”. Mr. Hahn moved to approve the minutes of June 2, as amended, and the June 9 and 16 minutes as written. Mr. Filippelli seconded the motion, which passed unanimously.

Planning Commission Report. Evan Myers, Chair of the Planning Commission, provided an update to Council on the activities of the Commission over the last few months and presented the Planning Commission Annual Report for 2007. He noted that the work plan for the Commission included the West End zoning, a master plan for Calder Way and an update to the 2002 Downtown Vision Plan. Council indicated that the update to the downtown plan should include input from the community as well as Council members.

Review of Licensing and Regulations Regarding Bicycles. Mr. King presented an update on the registration that is required for bicycles in the Borough and the process throughout the Centre Region to register a bicycle.

Council members agreed that the bicycle regulations in the Codification of Ordinances should be revised and updated. Mr. Hahn moved to instruct the Transportation Commission to review the existing ordinance for consideration of updated language. Ms. Goreham seconded the motion, which passed unanimously.

Riparian “Stream” Buffer Ordinance. Staff reported the COG General Forum requested municipalities provide comments on the revised Model Riparian “Stream” Buffer Ordinance. Comments from the Planning Commission included a recommendation that the appendices from the model ordinance be incorporated into the Borough’s Riparian Buffer Ordinance if the ordinance is updated. Staff reported that the model ordinance included language similar to the Borough’s current ordinance.

Mr. Hahn moved to accept the comments from the Planning Commission and forward them to the COG Executive Director. Ms. Goreham seconded the motion, which passed with a 7-0-0 vote.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch thanked Council for their contribution to the Fourth Fest activities. On behalf of the community he thanked all those who participated to make the celebration a success.

President's Report. Ms. Goreham thanked the Mae McQuaide, owner of the Chatelaine Bed and Breakfast in Pine Grove Mills, for allowing Council to visit their home to inspect the emergency exit ladder.

Ms. Goreham also announced an executive session held prior to the meeting to discuss personnel matters.

Pennsylvania League of Cities and Municipalities (PLCM) Conference. Council members traveled to Gettysburg for the PLCM conference and reported on their activities. It was noted that a trip was made to Harrisburg to make a statement to support House Bill 2018, which addressed the plight of municipalities with large amounts of tax-exempt property. Council members also attended sessions on changes in the tax law for the collection of earned income tax; economic development, finance and urban redevelopment law; broadcast digital transmission and cable franchise law; and energy issues.

Staff/Committee Reports. Staff reported the Anti-Discrimination in Employment Ordinance took effect on July 1 and distributed employer and complainant pamphlets.

Staff also reported that the Auditor General submitted copies of the Police Pension and General Government Pension plan audits for 2005 and 2006 and noted there were no findings.

Staff also reported that many of the forms located on the Borough's website had been converted to a fillable format. This was done in response to a citizen comment raised at a previous Council meeting.

There being no further business, the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary