

Meeting Minutes
State College Borough Council
December 1, 2008

The State College Borough Council met on Monday, December 1, 2008, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Mayor Welch called the meeting to order at 7:30 p.m.

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

Also present: Thomas J. Fountaine, II, Borough Manager; Roger A. Dunlap, Assistant Manager for Budget and Administration; Carl R. Hess, Planning Director; Anne Messner, Planner; Thomas King, Chief of Police; Mark A. Whitfield, Director of Public Works; Herman L. Slaybaugh, Zoning Officer/Planner; 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. Robert Rightmyer, Walnut Spring Lane, spoke on the Walnut Spring Park/Thompson Woods wetland. He noted that water was in the silt portion but was not in the area where \$11,000 had been spent for landscape material for the wetland.

PUBLIC HEARINGS

2009 Operating Budget. Council held a public hearing on the 2009 Operating Budget which had been available for public inspection since November 7, 2008.

Mr. Welch noted that a comment had been received by e-mail from John Simbeck on the parking proposals in the budget.

Mr. Rightmyer commented that he would like to review 2007 and 2008 budget amounts to determine the changes. Mr. Welch noted that staff would see that he got that information.

Jerry Wettstone, 512 Ridge Avenue, commented that increases are proposed for the real estate transfer tax. On behalf of county and state Boards of Realtors, he asked Council not to approve the increase.

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

Proposed Ordinances to Allow Chickens at Single-Family Homes. Council held a public hearing on two ordinance amendments to allow 4 chicken hens at single-family homes.

Ed Buss, 1420 South Garner Street, noted that he was raised on a farm and has worked in poultry science as a student and as an academic professional. He said he was opposed to the proposed ordinances based on health concerns.

Mr. Wettstone expressed opposition to allowing chickens because it would affect property values. In addition, he said that the ordinance would burden staff with enforcement measures and monitoring conditions.

Mary Haight, 765 West Hamilton Avenue, stated she had lived on a farm and kept chickens for 25 years. She spoke in favor of the ordinances and said it would be an appropriate use in an urban community.

David Stone, 536 East Foster Avenue, spoke in favor of the ordinance, stating that there strict rules would be in place to maintain healthy conditions and add to the trend toward organic gardening. Mr. Stone added that allowing these pets would set a good example for other cities.

Evan Myers, 333 South Patterson Street, and chair of the Planning Commission, reported that the Commission had recommended this ordinance but noted the recommendation was not unanimous. There were some concerns expressed by Commission members on whether or not this use was appropriate for an urban area. Based on the fact that it was allowed in other urban areas and that the Board of Health for the Borough saw no health hazards, the Commission recommended Council approve both ordinances.

Diana Malcom, 1218 South Pugh Street, commented that allowing chickens would relate to the promotion of a green lifestyle and make the community more sustainable.

There being no further comments, Mr. Welch closed the public hearing on the chicken ordinance at 7:57 p.m.

CONSENT ITEMS

Ms. Lawrence moved to approve the following consent item. Ms. Goreham seconded the motion, which passed unanimously.

- Use of the Allen Street between Calder Way and Beaver Avenue for the Penn State Snowboard Club's "Rail Jam" on Friday, December 12, 2008, from 12:00 noon to 10:00 p.m.

ABC REPORTS

Report from the Planning Commission. Evan Myers, Chair of the Planning Commission, reviewed the work of the Commission since their last report. Mr. Myers also presented the Commission's 2009 work program.

PLANNING & ZONING

Proposed Ordinances to Allow Chickens at Single-Family Homes. Council considered amendments to the Animal regulations and the Zoning ordinance to allow for chickens on single-family properties.

Mr. Morris moved to enact Ordinance 1912 to modify the Animal regulations to set requirements for keeping of chickens. Ms. Lafer seconded the motion. The vote on the motion was 4-3-0, with Mr. Filippelli, Mr. Hahn, and Ms. Lawrence opposed. The motion passed.

Ms. Lafer moved to enact Ordinance 1913 to amend the Zoning ordinance to allow up to four chickens on single-family properties. Mr. Rosenberger seconded the motion. The vote on the motion was 4-3-0, with Mr. Filippelli, Mr. Hahn, and Ms. Lawrence opposed. The motion passed.

Amendment to the Zoning Ordinance for Home Occupations. Council received an amendment to the home occupation rules to allow dog grooming as a permissible activity.

Ms. Lafer moved to schedule discussion for a work session. Mr. Hahn seconded the motion, which passed unanimously.

GENERAL POLICY & ADMINISTRATION

Grant Funding Application for Strategic Plan. Council considered a resolution authorizing the submission of an application for \$10,000 to the PA Department of Community and Economic Development for funding to pay for fifty percent of the project costs for the strategic planning process.

Mr. Rosenberger moved to approve Resolution 975 to apply for the grant to fund a portion of the strategic planning process. Ms. Goreham seconded the motion. The vote was 6-0-0, with Mr. Hahn not present.

REGIONAL ISSUES

Regional Sewage Management Program. Council considered a resolution to transfer the sewage management program administration from the University Area Joint Authority to the Centre Region Council of Governments (COG) as an amendment to Act the 537 Sewage Facilities Plan.

Mr. Rosenberger moved to approve Resolution 976. Mr. Morris seconded the motion. The motion passed with at 6-0-0 vote, with Mr. Hahn absent.

Code Changes: Fire Sprinklers & Carbon Monoxide Detectors. Council considered changes made in the International Code Council (ICC) to include a requirement for fire sprinklers in all new homes built after January 1, 2011, and carbon monoxide detectors in homes with attached garages or fuel-fire equipment such as gas furnaces, gas stoves and gas water heaters.

Council asked about costs of fire sprinkler systems and how this would affect first-time homebuyers. Steve Bair, Fire Administrator, noted the International Association of Fire Chiefs was working on a guidance package to address these issues. He noted that there may be other trade-offs for developers such as reducing the needed width of the street for fire equipment.

Mr. Filippelli moved to support inclusion of the ICC changes in Pennsylvania's Uniform Construction Code and to forward this position to the COG Executive Director. Ms. Goreham seconded the motion. The motion passed unanimously.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch commented that given the concerns in the community with the passage of the chicken ordinances, over the next few days he would consider whether or not to veto the ordinances.

President's Report. Ms. Goreham announced an executive sessions held prior to and following the meeting of Friday, November 21, to discuss personnel matters. Also, there would be an executive session held following this meeting to discuss personnel matters.

Staff/Committee Reports. Mr. Fontaine distributed a memo outlining changes to the snow and ice control policy.

Council recessed to a work session at 8:42 p.m.

2009 Operating Budget. Staff reviewed the capital projects fund and summarized the capital expenses for 2009, including the asset replacement and enterprise funds.

Council discussed use of Community Development Block Grant (CDBG) funds, the need to spend the CDBG funds in a timely manner, and the delay of the Fraser Street realignment project to 2010. Staff noted that the CDBG money could be used on another project in 2009.

Council discussed the streetlight project proposed for 2009. Staff cautioned delaying the replacement of the lights on College Avenue because the light standards were rusting at the base.

Council discussed long-term budget issues and the limited options for reducing capital expenses. Postponing capital projects would not help balance the general fund budget because the projects were funded with capital reserve funds. Council members agreed that taxes should not continue to rise to meet the increases in expenses; there would need to be significant cuts in expenditures, in particular for staff and services. Council asked that staff come back to Council with suggestions for further reductions.

There being no further discussion the meeting adjourned to an executive session at 9:38 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary