

Meeting Minutes
State College Borough Council
January 5, 2009

The State College Borough Council met on Monday, January 5, 2009, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Mayor Welch called the meeting to order at 3:00 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: Terry Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Roger A. Dunlap, Assistant Manager for Budget and Administration; Thomas S. Kurtz, Assistant Manager for Community Services; Thomas R. King, Chief of Police; Carl R. Hess, Planning Director; Anne Messner, Planning Technician; Herman Slaybaugh, Zoning Officer/Planner, Michael S. Groff, Finance Director; Amy J. Story, Borough Engineer; Kevin Kassab, Health Technician; 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 Springs Lane, distributed a pamphlet on wetlands to the Council and thanked them for their review of the wetlands.

CONSENT ITEMS

Ms. Goreham moved and Mr. Rosenberger seconded a motion to approve the following consent item. The motion passed unanimously.

- Appoint the following individuals to various Authorities, Boards and Commissions:

William Elmendorf	Tree Commission	December 31, 2011
Amy Story	Spring Creek Watershed Commission	December 31, 2009
Peter Morris	Spring Creek Watershed Commission (alternate)	December 31, 2009

ABC REPORTS

Report from the Spring Creek Watershed Commission. Amy Story, the Borough's representative on the Spring Creek Watershed Commission, reported on the activities of the Commission over the past year.

Report from the Board of Health. Marcia Patterson, Chair of the Board of Health, reported on the activities of the Board in the last year. Ms. Patterson also reviewed the summary report of the 2007 state-wide behavior risk factor survey.

HEALTH

Changes to Tattoo Establishment Ordinance. Council received revisions to the ordinance for tattoo establishments that would require regular testing of sterilizing equipment, require non-sterilizable items used on a patron to be single-use, and prohibit branding and temporary tattoo operations. Staff noted the proposed ordinance was shared with the operators of licensed tattoo establishments and their suggestions were incorporated. Council raised questions on the removal of tattoos and the prohibition of

branding. Staff indicated they would provide answers to these questions prior to the scheduled January 12 enactment of the ordinance.

Changes to Massage Establishment Ordinance. Council reviewed proposed changes to the ordinance regulating massage establishments. The major change in the ordinance would be to require single use towels or an approved hand drying method and require liquid soap in restrooms. Council raised questions on the licensing required for a massage therapist and whether violations for establishments could allow the Borough to revoke a license. It was also recommended that the licensed establishments be afforded the opportunity to review the proposed ordinance. Staff indicated the ordinance would be distributed to the licensed establishment for comment and would provide answers to the questions prior to enactment at the January 12 meeting.

PLANNING AND ZONING

Amendment to the Zoning Ordinance for Home Occupations. Council considered an amendment to the home occupation rules to allow dog grooming as a permissible activity. It was noted that if Council modifies the amendment in any way, the modifications must be returned to the planning agencies for a 30-day comment period.

Because of the financial burden on the property owner, Ms. Lafer moved to remove the requirement for a privacy fence. Mr. Morris seconded the motion. The vote on the motion was 3-4-0, with Mr. Rosenberger, Mr. Filippelli, Ms. Goreham, and Ms. Lawrence opposed. The motion failed.

In order to provide for a review of each establishment individually so that specific conditions could be placed on the home occupation, Mr. Hahn moved to redraft the ordinance to allow dog grooming as a home occupation as a special exception so that it would go before the Zoning Hearing Board. Ms. Goreham seconded the motion. The vote on the motion was 3-4-0, with Ms. Lafer, Mr. Rosenberger, Mr. Filippelli and Mr. Morris opposed. The motion failed.

Mr. Rosenberger moved to schedule a public hearing on the ordinance and give notice of Council's intent to enact the ordinance on February 9, 2009. Mr. Filippelli seconded the motion. The motion passed with a 7-0-0 vote.

GENERAL POLICY & ADMINISTRATION

ABC Work Programs for 2009. Council reviewed the work programs for the Design Review Board, Historic Resources Commission, Planning Commission, Transportation Commission, and Tree Commission. Mr. Hahn moved that the Planning Commission work program include a deadline for submission to Council for the West End zoning by June 30. Ms. Lafer seconded the motion, which passed with a 6-1-0 vote, with Ms. Goreham opposed. Staff indicated a revised work program would be included for approval at the January 12 meeting.

Mr. Rightmyer noted that the Tree Commission had promised him a report on what kind of tree trimming was proposed for Walnut Spring Park. Staff indicated they would get that information to Mr. Rightmyer based on the tree trimming schedule.

REGIONAL ISSUES

Voting Rights for COG Alternate Delegates. Council noted the policy regarding alternate delegate voting rights at COG's standing committee meetings has been:

"Any State College Borough staff member or Council member, in attendance at a COG standing committee meeting, who is attending in lieu of the representative designated to attend, has the power to vote on behalf of State College Borough Council."

Mr. Hahn moved to continue the policy in 2009 and forward it to the COG Executive Director. Mr. Morris seconded the motion, which passed unanimously.

Code Changes: Fire Permit Fees. Council considered a resolution setting the fee schedule for Fire Safety Permits. The COG General Forum recommended approval of the Fire Permit Fee schedule at their meeting of November 24, 2008.

Mr. Filippelli moved to approve Resolution 983 amending the fee schedule for Fire Safety Permits. Ms. Goreham seconded the motion, which passed unanimously.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch congratulated Council on observing parliamentary procedures in 2008 and offered a resolution for Council's conduct in 2009.

President's Report. Ms. Goreham announced the following 2009 COG Committee appointments:

Executive	Elizabeth Goreham
Public Safety	Silvi Lawrence
Finance	Don Hahn
Public Services and Environmental	Peter Morris
Transportation and Land Use	James Rosenberger
Parks Capital	James Rosenberger

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

Staff/Committee Reports. Staff presented the Third Quarter Enforcement Report from the Department of Ordinance Enforcement and Public Health.

There being no further discussion, the meeting adjourned at 4:22 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary