

Meeting Minutes
State College Borough Council
February 9, 2009

The State College Borough Council met on Monday, February 9, 2009, 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
Silvi Lawrence
Peter Morris
James L. Rosenberger

Also present: Terry J. 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; Carl R. Hess, Planning Director; Mark A. Whitfield, Director of Public Works; Anne Messner, Planning Technician; Amy J. Story, Borough Engineer; Beth Johnston, Director of Human Resources; Captain Dana Leonard, Police Department; 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 was no one from the public wishing to speak.

PUBLIC HEARINGS

Amendment to the Zoning Ordinance for Home Occupations. Council held a public hearing on an amendment to the home occupation rules to allow dog grooming as a permissible activity. Comments received on the Peak Democracy site were distributed to Council but not read into the record. Staff provided a brief summary of the ordinance.

Council members questioned the 6 foot fence screening requirement. Staff explained the intent of the ordinance was to provide screening where the pets were going to be outside the home and to allow the property owner discretion in where to place the fencing. The property owner would need to list the area that would be screened as part of the zoning application.

Judd Arnold, 423 Martin Terrace, spoke in opposition to the ordinance, asking Council not to remove those protections that make the neighborhoods such a pleasant place to live. Dog grooming as a home occupation produces traffic, odors, and noise. He also noted that one Council member is a customer and should refrain from voting as an obvious conflict of interest. Mr. Welch stated that being a customer of an existing dog groomer would not constitute a financial benefit; therefore, a Council member could not abstain from the vote. He added that this amendment was not about one business but was to allow for dog grooming in residential areas throughout the Borough.

Mary Marino, 720 South Sparks Street, said she could not see a problem with living next door to a homeowner running this type of business out of their home. She would encourage Council to allow for more cottage industry, especially with people facing increasing challenges of owning a home.

Harry Pionke, 606 West Hamilton Avenue, stated his opposition to the proposed ordinance. He said he believed this would introduce commercial activity into residential neighborhoods. He gave examples of how neighborhood dogs can cause disruption in the neighborhoods. He said there should be a commitment to maintain the residential character of the neighborhoods and the ordinance would be going in the wrong direction.

Nancy Miller 1013 Amelia Avenue, spoke about a specific pet groomer currently operating in the Borough. She noted that many of the concerns raised would not be an issue. She encouraged the Borough Council to encourage residents to stay in the area and promote the cottage industries that would allow people to keep their homes while still being responsible business people.

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

Ms. Lafer moved to enact the ordinance as written. Mr. Morris seconded the motion.

Mr. Hahn moved to postpone action on the amendment to a future meeting. Ms. Goreham seconded the motion. The motion passed with a 4-3-0 vote, with Ms. Lafer, Mr. Filippelli, and Mr. Morris opposed.

Mr. Morris moved to publish Council's intent to enact the ordinance on March 2. Mr. Filippelli seconded the motion, which passed with a 7-0-0 vote.

CONSENT ITEMS

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

- Vouchers for the month of January 2009 in the amount of \$3,131,953.21.
- Minutes for the following meetings held in January:

January 5, 2009	Regular Meeting
January 12, 2009	Regular Meeting
January 21, 2009	Special Meeting
- Appoint Jason Grottini to the State College Borough Water Authority with a term ending December 31, 2013.
- Use of various sidewalks in the Borough for the 2009 Cycle-thon, sponsored by the College of Education, for Sunday, April 26, 2009 from 10:00 a.m. to 2:00 p.m., conditioned on all permits being received for use of Borough parks

COMMUNITY DEVELOPMENT

Consolidated Plan Amendment. Council considered an amendment to the State College Borough 2005-2009 Consolidated Plan and FY2009 Action Plan Regarding the Proposed Use of Community Development Block Grant (CDBG) Funds.

Mr. Hahn moved and Mr. Rosenberger seconded a motion to approve the amendment. The motion passed with a 7-0-0 vote.

GENERAL POLICY & ADMINISTRATION

Pension Plan Amendments. Council considered amendments to the Police and the General Government Pension ordinances that reflect Pennsylvania State Pension laws as well as applicable provisions of the Internal Revenue Code. The benefit provisions of the pension plans remain unchanged.

Mr. Hahn moved to enact Ordinance 1924 for the Police Pension plan and Ordinance 1925 for the General Government Pension plan. The motion passed with a 7-0-0 vote.

Participation in Central/Westmoreland COG Vehicle Purchasing Program. Council considered a resolution to authorize participation in the Central Westmoreland Council of Governments' Cooperative Vehicle Purchasing Program. The Borough's Purchasing ordinance permits the Borough to participate in cooperative purchasing contracts with other municipalities and governments.

Mr. Hahn moved to approve Resolution 986. Ms. Goreham seconded the motion, which passed unanimously.

Comprehensive Pedestrian and Bicycle Program. Aaron Fayish with Stahl Shaeffer Engineering, LLC, presented an overview of the Comprehensive Pedestrian and Bicycle Program. The report in two parts presents a list of concerns and development recommendations in regards to pedestrian and bicycle safety.

Council members agreed it was a good report with recommendations that should be pursued, particularly in regards to the curb extension, and extending the area for the leading pedestrian interval to the Atherton Street intersections with College and Beaver Avenues.

Ms. Goreham moved to approve the program. Mr. Rosenberger seconded the motion, which passed unanimously.

OFFICIAL REPORTS AND CORRESPONDENCE

Regional Liaison Reports. Mr. Rosenberger announced that a public meeting would be held at the College Township building on February 10, 2009, at 7:30 p.m. to take comments on the Oak Hall Region Parklands.

Mr. Welch announced there would be a meeting with the State College Area School Board to hear a presentation on the alternatives to building a new high school on Thursday, February 12, at 7:30 p.m. at the Mount Nittany Middle School.

Council recessed to a work session at 8:22 p.m.

GENERAL POLICY & ADMINISTRATION

National Citizen Survey Questions. Council considered policy questions to be included in the 2009 National Citizen Survey. Council members asked that a question be geared to asking about the need for increased regionalization of services. Council members also mentioned that responses should be weighed according to the demographics of the community. Other issues that should be included were climate protection and how residents could participate in energy reduction programs, support of stronger neighborhoods and enforcement of nuisance ordinance, and the general level of police service.

Amendment to Council Manual for Electronic Mail. Council considered a proposal to establish a policy to provide direction to Council members on how to handle conversations via e-mail on subjects that would fall under the Sunshine Law or the Right to Know Law, to be incorporated in the Council manual.

Council asked staff to prepare language to amend the manual for approval at future meeting.

There being no further discussion, the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary