

COLLEGE TOWNSHIP COUNCIL

REGULAR MEETING HELD

MARCH 8, 1979

The regular meeting of the College Township Council was called to order by Chairman J. Carroll Dean at 7:30 p.m. in the College Township Municipal Building.

Members present: Donald E. Bailey, J. Carroll Dean, Dolores A. Taricani, Clarence E. Trotter, and John H. Ziegler.

Others present: Manager Elwood G. Williams, Sr.
Treasurer Robert L. Hayden

MINUTES

Minutes of February 8, 1979 - corrections as follows:

Page 3, Item (2) under Correspondence, first line - add "State College Area" before "School Administration..."

Page 5, 4th paragraph, line 5 - add "ID-2A" after "1-1/2"

Page 7, paragraph 2, line 6 - change to read "...Mr. Stingelin indicated that an EAC Member (Gordon Duncan) was available to attend these meetings."

Page 8, paragraph 3, line 6 - insert "and Planning Commission" after "Council" and add "Council and Planning Commission" after "State College"

Page 11, paragraph 1, line 4 - change comma after "table" to period and delete remainder of the sentence

Page 11, paragraph 2, line 2 - add "and Controller" after "Treasurer"

Mr. Bailey moved the minutes of the February 8, 1979, meeting be approved as corrected; Mrs. Taricani seconded the motion; and it was carried unanimously.

UPDATE

Mr. Williams reported on a safety hazard on Whitehall Road as pointed out by Robert K. Kistler in a letter to the Township. Mr. Williams checked with Tom Ickes, of the PennDOT District Office in Clearfield. Mr. Ickes indicated that the widening of Whitehall Road (from the new section to Route 26) to 22' had been completed.

Since the completion, the telephone pole to which Mr. Kistler referred was approximately 2' from the road. Mr. Lokes checked with his utilities man and, even though the pole is not scheduled to be moved, they indicated that they would see that it was moved the proper distance from the road. Mr. Williams stated that when they moved the pole it would alleviate the safety hazard at the intersection.

Mr. Williams reported that the letter he and Mrs. Taricani were working on to Crown concerning deficiencies in parking for the Nittany Mall due to the expansion of the inner Mall space would be finalized and sent the week of March 12.

Chairman Dean asked Mr. Williams if he had an opportunity to check with the State Association of Township Supervisors on who was required to file the Financial Disclosure Statement. Mr. Williams reported that he had checked and their interpretation was that all employees of the Township were required to file the Statement.

Mr. Williams reported on the status of the hike-bikeway indicating that he has continued to contact the residents living along the proposed route that are opposed to the hike-bikeway. Mr. Williams has been unsuccessful in changing the opposition but will continue the contacts. Chairman Dean briefly explained to those present the project and the reason for Mr. Williams' contact.

Chairman Dean asked if Mr. Williams had obtained from Tom Kurtz a report of a SEDA Workshop that Mr. Kurtz had attended. Mr. Williams had the report and distributed copies to the Council.

TREASURER'S REPORT

The Treasurer, Robert L. Hayden, reviewed for the Council the information included in the report.

Mr. Trotter referred to Figure 1 of the Treasurer's Report and asked why the receipts were not following the same pattern as last year. Mr. Hayden explained that last year some of the receipts were a month behind this year. Mr. Williams added that one of the reasons the receipts were down in February was that in January the Township received three months of Earned Income Taxes from the University where as last year only one had been received.

Mr. Trotter moved that the Council accept the report; Mr. Ziegler seconded the motion; and it was carried unanimously.

CORRESPONDENCE

(1) Letter from McDonald's Corporation in response to an inquiry from the Township asking when the fire lanes would be designated around the new McDonald's at the Nittany Mall. The letter indicated that they are considering a drive-up window and they would like to put off a decision on the fire lanes but did not indicate any kind of time schedule. Chairman Dean asked Mr. Williams to contact McDonald's and inquire as to their time schedule for the designation of the fire lanes.

(2) Letter from Ron Stingelin regarding a sinkhole along Whitehall Road at Everhart Village. Mr. Williams said he had gone out to check on the sinkhole and discovered that it was not on the DeMartino tract as Mr. Stingelin had thought but rather on the Presbyterian Church property and consequently in the Borough. Mr. Williams discussed the problem with Mr. Emerick, Assistant Engineer for State College Borough, and Mr. Emerick said the Borough would take care of it. Mr. Williams tried to contact Mr. Stingelin to inform him of his findings but Mr. Stingelin was out.

BUSINESS

(1) East College Avenue Rezoning Decision. Chairman Dean explained that Council met in a public hearing on March 5, 1979, and received sworn testimony relative to this item and decided they needed to give it more consideration than that meeting permitted. Part of the Council's consideration is the interpretation and intent of the recommendation from the Planning Commission. Mr. Ron Weis, Chairman of the College Township Planning Commission, was present to explain the Commission's considerations in the recommendation sent to Council. Mr. Weis explained that two years ago, when the study of the Township Zoning was made, consideration was given to the excess of undeveloped land designated as "commercial" and efforts made to reduce the amount of land designated "commercial". Mr. Weis indicated that when this request for rezoning came before the Commission, they took another look at the area in question and again decided that

with the exception of the SKAT and Foust properties the R-0 designation was more compatible with the present uses of the properties.

Mr. Foust, one of the property owners, asked Mr. Weis if his property was destroyed, it was his understanding that he could not rebuild it since it is a non-conforming use. Discussion revealed that destruction would have to be of at least 75% of the value of the property before this rule applied. Since all values related to the building were considered, this very rarely occurred.

Mr. Foust also was concerned about the possible future necessity to sell his business and being restricted to selling it only to a like business. It was explained to him that several options were his -- he could sell to a like business; to a business permitted in R-0; or as a residential property.

Chairman Dean indicated that his concern was not with the types of businesses in the area now but with those that could be built in the future if the zoning was changed to Commercial. His opinion was that the land should be rezoned R-0.

Mr. Bailey felt the land was not conducive to large commercial operations and the area was C-1 prior to the new Zoning Ordinance; he would like to see it go back to C-1.

Mrs. Taricani added that she shared Chairman Dean's concern of the possibility of large commercial operations being built in this area but had some difficulty in accepting the R-0 zoning for this land. She indicated that there was another category -- Office Commercial -- that could be considered.

Mr. Foust indicated that the land had been zoned Commercial for 24 years and that there had not been any extremely bad traffic problems. He felt that the properties were not conducive to the establishment of large commercial operations because of the dimensions of the lots. Discussion followed concerning the legal requirements that developers would have to meet in order to build operations in the area. It was determined that it was indeed possible to establish large commercial operations in the area.

Council was not willing to put a motion on the floor to rezone the property R-0.

Discussion was held on the various zoning categories that could apply to this area and the legal requirements of notifying the residents of the area of the categories being considered.

Mr. Bailey moved that another public hearing be held in the near future to consider rezoning of the East College Avenue properties in question to R-0, O-C, or C-1. Mr. Ziegler seconded the motion; the motion was carried unanimously.

Chairman Dean presented the other element of the rezoning request that being to rezone the properties owned by Richard Duck and Mrs. Getz to I-1. He indicated that all legal requirements concerning advertising of the rezoning request had been met. Mr. Ziegler moved that the properties owned by Mr. Duck and Mrs. Getz be rezoned to I-1; Mrs. Taricani seconded the motion; it was carried by four of the Council members with Mr. Trotter abstaining because he was not present at the public hearing.

(2) Amendments to Code Enforcement Ordinances. David Beitz, Director of Code Enforcement, had reviewed the proposed revisions for the Council at their February 8, 1979, meeting and was again present to go over the corrections and/or changes the Council members had.

At the February meeting, Mr. Williams had been requested to contact the Township Solicitor to determine the legal interpretation of "fine or imprisonment" as contained in the Codes. Mr. Williams reported that Mr. McCormick indicated the phrase "or imprisonment" could be included or not. The Council decided to include it in the Codes.

Mr. Ziegler checked with Mr. Beitz to assure that a statement would be put in the Building Code indicating deletion of definitions and referring readers to the definitions in the College Township Zoning Ordinance. Mr. Beitz assured him that this change would be made.

Chairman Dean reviewed his questions and changes with Mr. Beitz. Upon completion of the corrections the Code Enforcement Ordinances will be returned to the Council to be presented at a public hearing.

Mrs. Taricani moved to schedule a public hearing to adopt these revisions to the Code Enforcement Ordinances. Mr. Bailey seconded the motion and it was unanimously carried.

(3) 1979 Work Program. Chairman Dean reviewed the list of items on the work program, having divided them into two categories -- items currently being worked on and estimated completion dates and new items to be undertaken. (See attached sheet).

Mr. Bailey suggested that the establishment of a Code Enforcement Appeals Procedure be an Agenda item for the next regular meeting of the Council. Chairman Dean requested that Mr. Bailey put together a proposal for the Council's consideration to include adding appeals to the duties of the Zoning Hearing Board, having Council handle appeals, or establishing a separate body to handle appeals.

Mr. Trotter suggested that the subject of riff-raff collection be added to the list of new items on the Proposed Work Programs. Mr. Williams indicated that the Township was planning to monitor this program this spring to determine the costs and time involved and problems encountered.

The Council was in agreement that insofar as it was possible to follow a schedule, that the schedule proposed in the 1979 Work Programs listing would be followed.

(4) Request for Bids on a Planning Study of Public Water Systems in Colleege Township. Chairman Dean indicated that the revised draft being considered was the technical scope of the study and that a copy had been sent to the Township Solicitor, Reed McCormick, for his review and inclusion of the necessary legal information. Mr. McCormick indicated that it would be ready in the coming week. Mr. Ziegler moved that as soon as the request for bids had been cleared with the Solicitor that it be sent out for bids. Mrs. Taricani seconded the

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**PROPOSED
1979 WORK PROGRAMS**

I. ITEMS CURRENTLY BEING WORKED ON

	<u>ESTIMATED COMPLETION</u>
Zoning Ordinance - Amendments	1979
Sign Ordinance - Amendments	1979
Code Ordinances - Replacements	4/79
Subdivision Regulations - Amendments or Replace	1979
C-H.J.A. Service - Whitehall Road (decision)	1979
C-H.J.A. Service - Phase III (decision)	1979
Water Systems Study (project)	1979
Voting District Revisions (requested)	1980
South Atherton Bikeway (study)	1979
Park Development Plan	1979
Nittany Mall Expansion Plan	1979

II. NEW ITEMS (to be undertaken in priority order listed)

Code Enforcement Appeals Board
Lemont Parking
Five-Year Road Plan
Use of Building Space
Storage Trailers
Citizens Communication
Houserville Road Traffic Signal Review

motion; it was carried unanimously.

(5) Renewal Agreement between the Township and the County covering Collection of Taxes for 1979. Mr. Williams indicated that the Agreement was "word for word" like the agreement signed for 1978. To Mr. Ziegler's question concerning the compensation rate, Mr. Williams answered "95¢ per parcel, the same as last year."

Mrs. Taricani moved the Council renew the agreement with the Centre County Commissioners to collect their taxes in College Township for 1979. Mr. Trotter seconded the motion and it was carried unanimously.

(6) Collection by College Township of Transfer Tax. Mr. McCormick indicated he had learned from a State Auditor for the Transfer Tax Division of the Department of Revenue that occasionally they come across people who have not paid the proper amount of transfer tax on the transfer of property and they audit the situation and sometimes find a deficiency. In that case, they assess the uncollected tax against the purchaser of the property and collect it for the State. The problem for the Township is that the State only collects the 1% due the State and not the 1% in which the Township and the School District share. Mr. McCormick suggested that possibly some legislation might be introduced through the State Association which would require that when the State collects the deficient tax for themselves that it do the same for the Municipality and the School District. He additionally suggested that the Township contact the County Recorder to determine if there have been any such deficiencies in College Township and ask that he inform the Township of future deficiencies.

Mrs. Taricani moved that the Township Manager send a letter to John W. Miles, Centre County Recorder of Deeds, requesting the information on Transfer Tax Audits in College Township for the last three years. Mr. Ziegler seconded the motion and it was carried unanimously.

Mr. McCormick suggested that this subject be brought up at the State Convention scheduled for April.

(7) Rezoning Requests -- Reese (Dale Summit Area); Highland Development Joint Venture (Whitehall Road); Residents of Everhart Village (a Portion of the Mt. Nittany Park Inc. Land for A-1 to R-2).

The Council agreed to forward these requests to the Township Planning Commission for their review and recommendations.

(8) Pennsylvania State Association of Township Supervisors UPDATE. Discussion was held on several of the items included in the UPDATE, i.e., The Ethics Law, Revenue Sharing Audit, Flood Plain Management, and Storm Water Management.

Mr. Williams reported on the recent storm water problems in the Township, specifically those on Mt. Nittany Road, Orchard Road, and Big Hollow Road. He indicated that should the proposed Oxford Mall be completed that this would contribute substantially to the storm drainage problems encountered on Big Hollow Road.

Discussion was held concerning the storm water problems in the area of Claster's and the various contributing factors. Chairman Dean asked the Manager to contact the Environmental Advisory Council and request they look into the matter.

(9) Land Regulations Course. Mr. Williams indicated that the Zoning Officer was interested in attending this course. Chairman Dean said the materials provided at a similar workshop on this subject for Zoning Hearing Boards, Planning Commissions, Council Members, and other interested parties was available for the Zoning Officer's review. Discussion revealed that Council felt this course was beyond the Zoning Officer's responsibilities and felt perhaps the newest member on the Planning Commission would benefit more from the course. Chairman Dean asked Mr. Williams to contact Ben Novak, Course Instructor, to determine if, in fact, the material to be presented in the course is beyond the responsibilities of the Zoning Officer and then contact Ron Weis, Chairman of the College Township Planning Commission, to see if any member of the Planning Commission would be interested in attending.

(10) Report on PA System. Chairman Dean explained the necessity for having a dependable quality system in order to have available an

accurate record of the proceedings of the meetings. He explained he and Howard Kingsbury had met with ~~T & B Electronics~~ and had come up with a system which included an amplifier and five microphones. A very desirable feature of the system was priority circuits which inhibit use of all mikes except the one in use. Chairman Dean indicated that the cost of the system (\$2,600) exceeded the limit under which going out for bids was not necessary. Council members considered it imperative that a good system be installed and suggested Chairman Dean develop the specifications on this system and that these specifications then be sent out for bids.

(11) Historic Registration Project (Lemont). Mr. Ziegler reported that at the first meeting of the Lemont Village Association on November 12, 1978, Nancy Reade, Assistant Coordinator of Historic Registration Project, gave a slide presentation. The program and the slides were good and Mr. Ziegler requested that Ms. Reade provide to the Township, with cost to the Township, duplicates of this slide program and her accompanying comments. She has done this and Mr. Ziegler requested that the Manager pay the bill of \$17.55.

Mr. Exarchos, a resident of Lemont, reported that correspondence had been received from the National Trust in Washington indicating they were looking favorably on Lemont's application to be entered in the Historic Register. Mrs. Mayes explained that the letter was merely a matter of procedure and that in fact the application had been accepted.

(12) Review of Compensation for Auditing Services. Mrs. Taricani moved that the rate of compensation for the Controller (Tom Lechner) of the Township be increased to \$10 per hour. Mr. Ziegler seconded the motion and it was carried unanimously. Chairman Dean asked Mr. Williams to notify Mr. Lechner and to also express the Council's appreciation for his services.

(13) Concerned Citizens of Lemont. Warren S. Smith spoke for the CCL saying "the College Township Zoning Hearing Board upheld the appeal of the CCL and refused the Zoning Permit for building the post office on Elmwood Street. The Hearing Board based their position purely on site plan deficiencies and did not seriously address itself to those portions of our appeal which dealt with the preservation of the village identity and the village heritage. In its' decision, the Hearing Board distinguished between the College Township Comprehensive Plan and the Zoning Ordinance and apparently took the view that its responsibility was only for the literal terms of the Ordinance and the regulations included therein. However, Article I, Section 4 of the Zoning Ordinance definitely expresses the intent that the aims of the Comprehensive Plan would be of benefit to the entire Township to insist that this part of the Ordinance receive the same weight as is given to the more technical sections. So at the meeting of the Board of Directors of the CCL last Tuesday, I was instructed to make two requests of this Council:

1. That the Council appeal to the Centre County Court those sections of the Concerned Citizens original appeal which were either denied or not considered by the Zoning Hearing Board.
2. That the Council amend its Zoning Ordinance specifically to require any post office to be within the Village District."

Mr. Smith supplied Council Members with copies of his statement and a draft amendment to the Zoning Ordinance.

The Council forwarded the proposed amendments to the Zoning Ordinance to the College Township Planning Commission for their review and recommendation.

Present for this portion of the meeting were several members of the CCL, and a representative of the Witmer Construct Company (Vance Witmer) and their Attorney, John R. Miller.

The CCL assured Council of their concern over the fact that the Witmer Construction Company had applied for another permit to build the post office on the Elmwood site. Mrs. Mayes indicated that she had contacted the National Trust and one official indicated that because of the application for historical registration it would be inappropriate to move the post office out of the Village.

Mr. Ziegler was in favor of making a decision on this matter during the meeting. While Chairman Dean and other Council Members desired an opportunity to study the options available and to consult with the Township Solicitor.

Mrs. Taricani suggested that ~~inasmuch as much of~~ the information received by Council Members was second or third-hand ^{AND} it might be beneficial if representatives of the Council, the Township Solicitor, representatives of Witmer Construction and their attorney would sit down and discuss the issues and obtain accurate information on these issues. Mr. Miller, Attorney for Witmer Construction, expressed a willingness to do this. Mr. Smith, of the CCL, indicated that if such a meeting was scheduled it would be desirable to have a representative of the CCL present.

Mr. Williams reported that he had checked with ConRail relative to the lease. Information obtained was that the lease was on its way to the Chairman of the Board of ConRail for signing. No time frame was given as to when a signed lease could be expected.

After extensive discussion and Council's review of the February 9, 1979, correspondence from the Township Solicitor regarding procedural questions regarding the future of the Witmer post office proposal, Council scheduled a March 15 work session with the Township Solicitor and Council members to examine the various options before proceeding on this issue.

(14) Chairman Dean reminded the Council that it was necessary to establish a date for a public hearing to cover the East Colleege Avenue rezoning issue and to cover the revisions of the Code Enforcement Ordinances. Mr. Williams indicated he would contact David Beitz to determine when the corrections would be made on the Ordinances

and then, coordinating with Council members, set up a date for the public hearing.

(15) The Township Solicitor had sent Council a memorandum dated March 1, 1979, bringing to their attention the fact that when a new zoning ordinance was put together, some of the requirements for various zones were changed. In the process, some control was lost on what used to be C-2 (Planned Commercial). The Solicitor suggested that the Council modify the Ordinance to correct the process.

Chairman Dean asked Mr. Williams to pass this information along to the Planning Commission and ask that they draft a proposed amendment to the Ordinance.

Council discussed the desirability of putting a freeze on further development in the Planned Commercial Zones until this amendment could be finalized. Mr. Trotter moved that a moratorium be declared on development in those zones which would have been previously designated as Planned Commercial. The moratorium to continue until Council has adopted an amendment to the Ordinance or July 1 whichever occurs first. Mr. Ziegler seconded the motion and it was unanimously carried. Chairman Dean asked Mr. Williams to inform the Zoning Officer of this moratorium.

(16) Mr. Ziegler reported that one of the considerations from the Zoning Seminar was an amendment to the municipal plan presenting the possibility of establishing five members on the Zoning Hearing Board. He recommended that someone contact the College Township Zoning Hearing Board for their input and thinking on this matter. Chairman Dean said he would talk to Lloyd Niemann about this matter.

(17) Mr. Bailey indicated that as a member of the Code Enforcement Committee he had sent to the Council members an item about getting involved if a matter concerned another Township. Council members indicated they had no quarrel with the content of the item

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and Mr. Bailey said he would report this to the Code Enforcement Committee at the next meeting.

(18) Mrs. Taricani reported to the Council on the Public Safety Committee. The high priority item for the year is investigating the responsibilities for the overview of the Alpha Fire Company and some of the Fire Company procedures. She indicated that representatives from the Committee, Fire Company officials, and some other local officials would be meeting to discuss the provisions of the contract that the participating Municipalities have with the Fire Company. Also, Mrs. Taricani reported that the rural numbering system will be ready by April of this year.

Meeting adjourned at 11:40 p.m.

Respectfully submitted,
Elwood G. Williams, Sr.
Secretary

EGW:lf:bh

COLLEGE TOWNSHIP

TREASURER'S REPORT

INDEX

FEBRUARY, 1979

DESCRIPTION

REFERENCE

General Fund - Receipts & Expenditures

Schedule I

General Fund - Comparative Summary

Figure I

General Fund - Moving Average

Figure II

General Fund & Total Township Funds - Cash Flow 1979

Figure III

General Fund & Total Township Funds - Cash Flow 1978

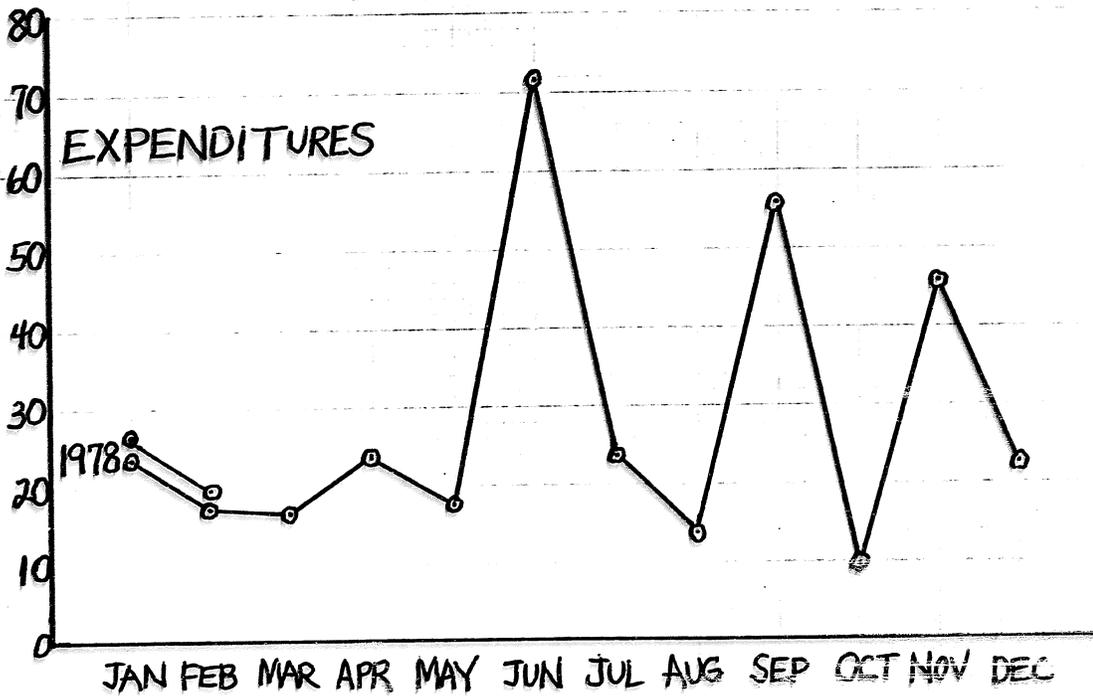
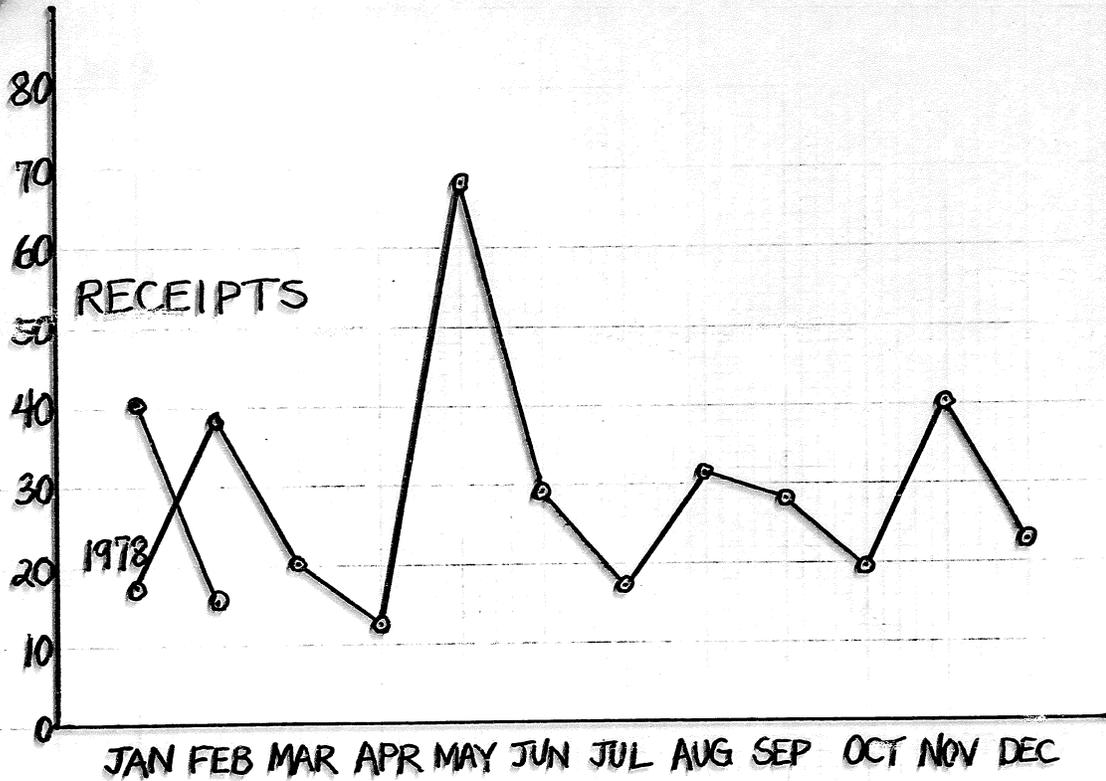
Figure III - a

Township Funds - Cash & Investments

Schedule II

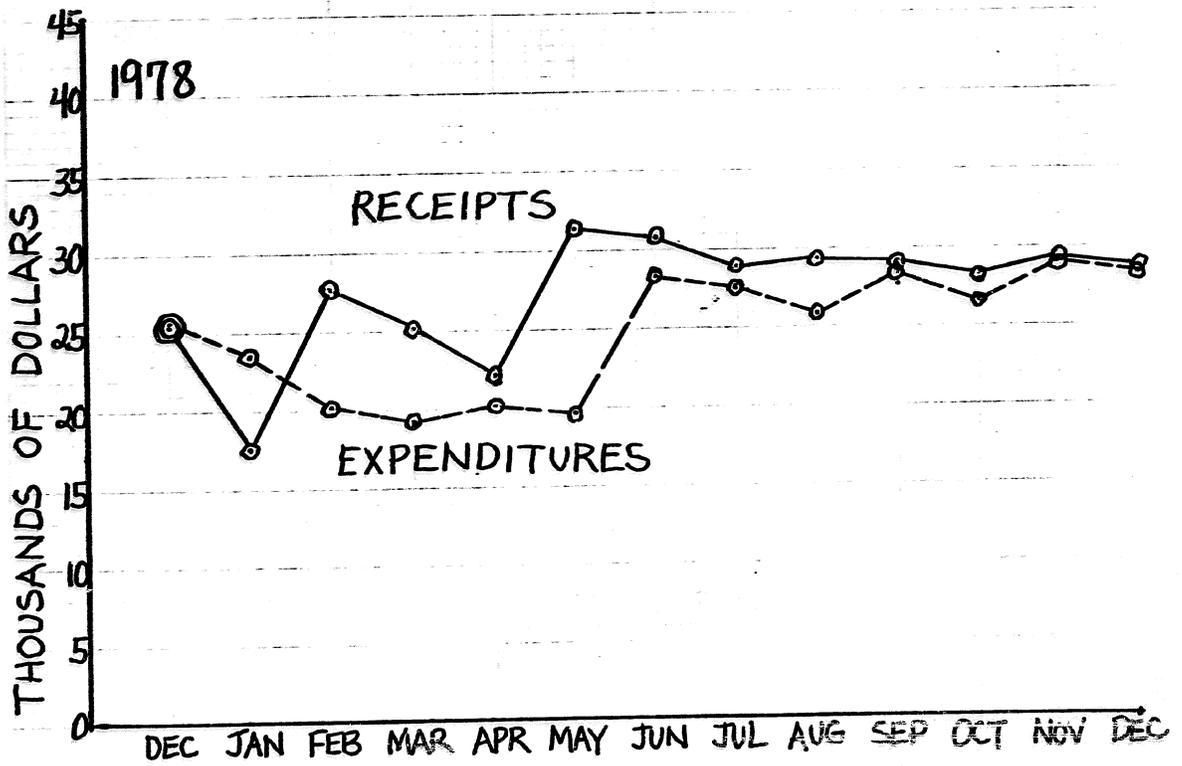
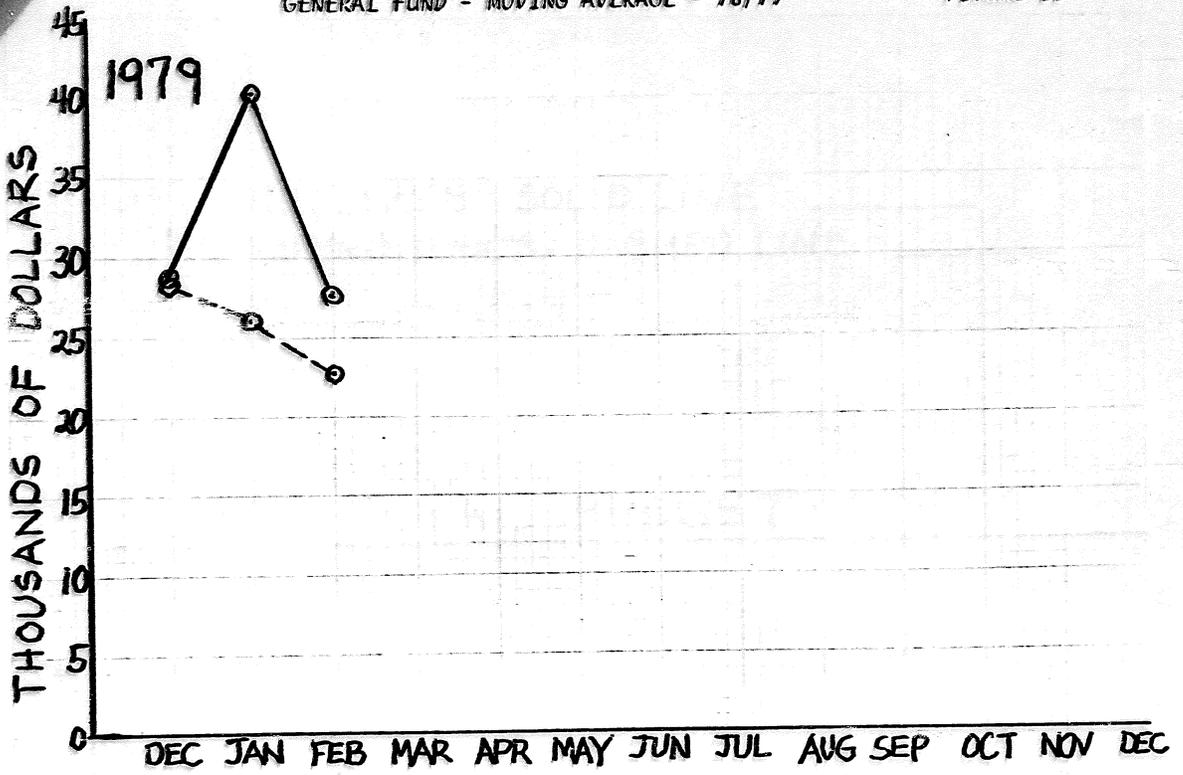
COLLEGE TOWNSHIP
TREASURER'S REPORT
GENERAL FUND - RECEIPTS & EXPENDITURES
FEBRUARY, 1979

	<u>FEBRUARY '79</u>	<u>JANUARY '79</u>
Check Book Balance - Beginning of the Month.....	\$ 2,328	\$ 190
Receipts During the Month.....	15,428	40,075
Net Transfers from Savings.....	5,800	-0-
	\$23,556	\$40,265
Expenditures for the Month.....	\$19,391	\$26,030
Net Transfers to Savings.....	-0-	11,907
	\$ 4,165	\$ 2,328

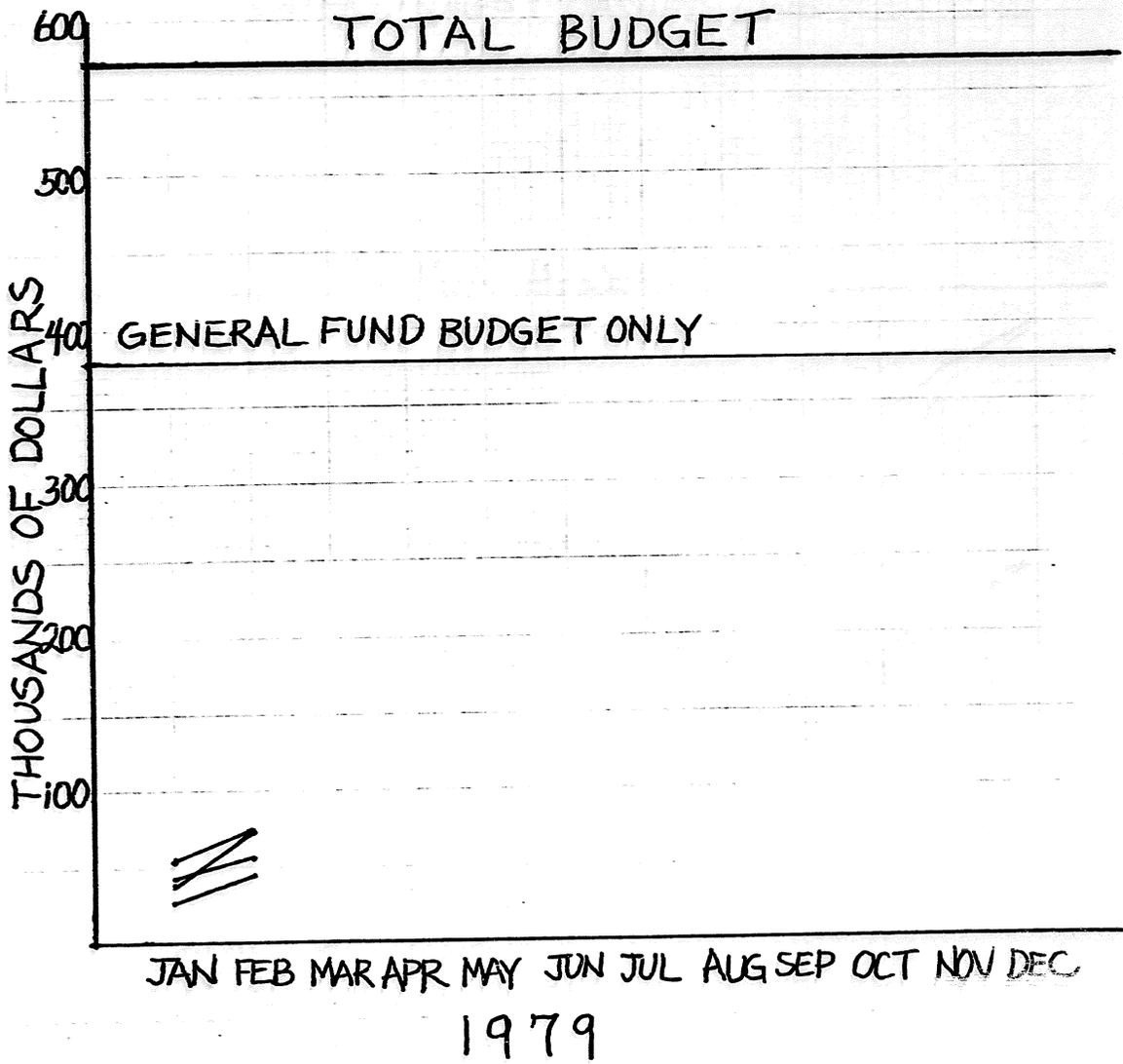


GENERAL FUND - MOVING AVERAGE - 78/79

FIGURE II



RECEIPTS : SOLID LINE _____
EXPENDITURES : DASHED LINE - - - - -

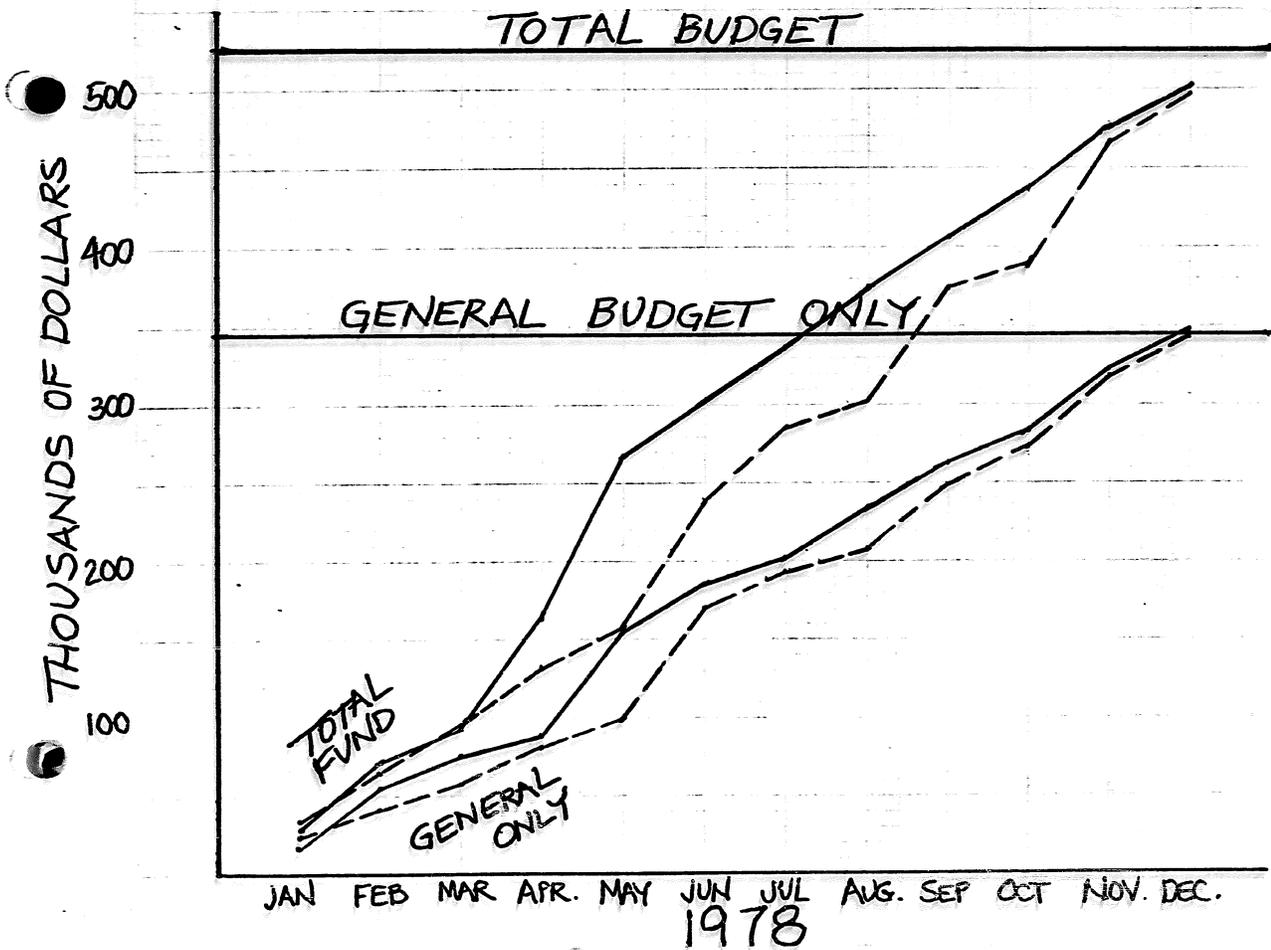


GENERAL FUND & TOTAL TOWNSHIP FUNDS - CASH FLOW - 1978

Figure III-a

RECEIPTS : SOLID LINE _____

EXPENDITURES : DASHED LINE -----



COLLEGE TOWNSHIP

TREASURER'S REPORT

CASH & INVESTMENTS

FEBRUARY, 1979

	GENERAL	STREET LIGHT	EQUIPMENT	PARKS & REC.	STATE	REVENUE SHARE	FEDERAL ANTI-RECESS.
CASH:							
Checking Account	\$ 4,165 ^c	\$ 507	\$ 122	\$ 135	\$ 135	\$ 113	\$ -0-
INVESTED:							
Daily Interest - 5% Annual	26,917	2,184	3,245	79	3,409	7,192	-0-
6 Month Money Market Cert.			10,000 ^b			10,000 ^a	
						10,000 ^b	
TOTAL FUNDS @ FEBRUARY	\$31,082	\$ 2,691	\$13,367	\$ 214	\$ 3,544	\$27,305	\$ -0-
PREVIOUS MONTH	\$35,045	\$ 3,208	\$13,342	\$ 164	\$ 1,448	\$38,686	\$ -0-
CASH	\$ 5,177						
INVESTED	\$73,026						
TOTAL	\$78,203						
PREVIOUS MONTH	\$91,898						

NOTES:

1. Maturity dates of certificate of deposits:
 - a) July 16, 1979 - interest rate 9.443%
 - b) July 24, 2979 - interest rate 9.534%

2. General Fund Checking
 - c) Includes payroll account

accurate record of the proceedings of the meetings. He explained he and Howard Kingsbury had met with ~~T & R Electronics~~ and had come up with a system which included an amplifier and five microphones. A very desirable feature of the system was priority circuits which inhibit use of all mikes except the one in use. Chairman Dean indicated that the cost of the system (\$2,600) exceeded the limit under which going out for bids was not necessary. Council members considered it imperative that a good system be installed and suggested Chairman Dean develop the specifications on this system and that these specifications then be sent out for bids.

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