

**COLLEGE TOWNSHIP REGULAR
COUNCIL MEETING MINUTES
Thursday, March 1, 2012**

ATTENDED BY -

COUNCIL:

David P. Fryer, Chair
Daniel D. Klees, Vice-Chair
Forest J. Remick, Ph.D.
David W. Koll, delayed arrival
Mary C. Shoemaker

STAFF:

Adam T. Brumbaugh, Township Manager/Secretary
Kent N. Baker, Township Engineer
Robert T. Long, Jr., Finance Director
Mark Holdren, CRPA Sr. Planner
Mary. E. Wilson, Assistant Township Secretary

CALL TO ORDER

Chair Fryer called to order the March 1, 2012, Regular Meeting of the College Township Council at 7:09 p.m. followed by the Pledge of Allegiance.

ANNOUNCEMENT:

Chair Fryer announced that Council met in executive session immediately prior to this meeting in order to discuss a personnel matter.

OPEN DISCUSSION:

None.

MANAGER'S UPDATE:

Mr. Brumbaugh presented the March 1, 2012, Manager's Update, highlighting the drilling schedule at the Oak Hall well site. The startup of drilling by Eichelbergers Drilling has been delayed one week due to heavy rains; startup now set for March 7, 2012.

PennDOT is taking precautions during its upcoming bridge replacement project on E. Branch Road to avoid damage to, or the need to remove, a 250-year-old Burr Oak tree in the vicinity of the anticipated construction activity.

Mr. Brumbaugh reported that the Whitehall Road Improvement Project is underway with the utility line relocations. Construction is scheduled to begin on March 12, 2012, and last through 2013.

CONSENT AGENDA:

- | | |
|-----------------------------|--|
| CA-1 Minutes: | February 16, 2012, Regular Council Meeting. |
| CA-2 Correspondence: | /1: Letter from CATA, dated rec'd Feb. 14, 2012, Re: new buses' ribbon-cutting ceremony. |
| | /2: Letter from Nittany Oil Company, dtd March 1, 2012, re: Downstream Municipalities Annual Notification. |
| | /3: Letter from Hawbaker Engineering, dtd Feb. 13, 2012, re: Notice of Application for PA DEP General Permit (Villas at Happy Valley). |
| | /4: Email from D. Barletta, dtd Feb. 18, 2012, Subj: The Villas at Happy Valley 2/18/12. |
| | /5: Email from D. Barletta, dtd Feb. 19, 2012, Subj: The Villas at Happy Valley 2/19/12. |
| | /6: Email from M. Ammerman, dtd. Feb. 21, 2012, Subj: The Villas at Happy Valley. |
| | /7: Email from T. Zuniga, dtd Feb. 15, 2012, Subj: Villas at Happy Valley. |
| | /8: Letter from Spring Creek Watershed Commission, dtd Feb. 20, 2012, re: 2012 Municipal Contribution Request. |
| | /9: Email from Karen, dtd Feb. 29, 2012, regarding Park Avenue Renaming. |
| CA-3 Report: | Finance Director's. |
| CA-4 Resolution: | R-12-05; No Parking - Country Club Road. |

Ms. Shoemaker moved to accept the March 1, 2012, Consent Agenda, as presented.

Dr. Remick seconded the motion.

Motion carried unanimously.

OLD BUSINESS:

OB-1 Ordinance O-12-01, Residential Rental Permits

Mr. Mark Holdren, CRPA Sr. Planner, presented Draft 4 of the Residential Rental Permits Ordinance, which incorporated Council comments offered at their December 15, 2011, Regular Council Meeting. Modifications included the removal of some definitions, which were already included in the Property Maintenance Code, and the elimination of a prior draft requirement for the reporting of tenant information to the Township. Mr. Holdren suggested that, following Council comments, Council may wish to remand this ordinance to Planning Commission for review.

Mr. Koll, Council member, arrived at 7:20 p.m.

Council offered comments relative to the definition and usage of the word “rent”; penalties for non-compliance; hazard and liability insurance requirement; and offered some grammatical changes before taking action to remand this draft ordinance to Planning Commission.

Mr. Klees moved to remand Ordinance O-12-01, Residential Rental Permits, to Planning Commission for review and comment.

Mr. Koll seconded the motion.

Motion carried unanimously.

Mr. Holdren will incorporate Council’s changes and forward to Planning Commission.

NEW BUSINESS:

**NB-1 Rezoning Request; Agricultural to Rural Residential (RR)
– 1040 Boalsburg Road; Sweeny**

In written correspondence to Council dated February 24, 2012, Mr. Mark Holdren, CRPA Sr. Planner, advised that a rezoning request was received for Tax Parcel 19-004-043, 1040 Boalsburg Road. The property owner was requesting that Council approve a zoning change on their parcel from Agricultural to Rural Residential (RR). Mr. Holdren further clarified that the Rural Residential Zoning District allows all of the same uses as the Agricultural (A) Zoning District, but also permits additional uses, such as airports, cemeteries, golf courses, landfills, veterinary and medical facilities, and mining/quarrying as a conditional use. Mr. Holdren requested that Council determine if this request should be forwarded to Planning Commission for further study.

Mr. Jeremy DiMeo, fiancé of property owner Ms. Laura Sweeny, requested Council’s consideration of this rezoning request, which would allow some relief from medical hardships being experienced by the family through the sale of part of the property to the adjacent quarry.

Mr. DiMeo stated that in meetings with Hanson Aggregates' representatives, Hanson has expressed a willingness to participate in area road improvements, quarry traffic reroutings to avoid Lemont, and the relinquishment of existing permits on their property closest to Lemont in exchange for the ability to acquire and mine the higher-quality limestone beneath Ms. Sweeny's property, the former Tresslar farm.

Following dialogue on the conditional use process, downzoning additional quarry land for open recreational uses, and the history of prior rezonings of this parcel, Council was divided on supporting a review of this request.

**Dr. Remick moved to remand the rezoning request from Agricultural to Rural Residential (RR) on Tax Parcel 19-004-043 and that staff begin an in-depth zoning analysis.
Ms. Shoemaker seconded the motion.
Motion failed 2 – 3 (Fryer, Klees, Koll voting nay).**

Mr. Koll expressed his firm objection to the rezoning of this property based on Hanson Aggregate's lack of effort in demonstrating their desire to be a good neighbor in the years since the last rezoning request. Council recognized that no conditions could be placed on this rezoning and that the Township had no authority to force Hanson to perform any of the proposed enhancements mentioned in Hanson's discussions with the property owner.

**Mr. Koll moved to deny the rezoning request on Tax Parcel 19-004-043, 1040 Boalsburg Road.
Mr. Klees seconded the motion.
Motion carried 3 – 2 (Remick, Shoemaker voting nay).**

NB-2 Rezoning Request; Forest District to Agricultural; Mincemoyer

In written correspondence to Council dated February 23, 2012, Mr. Mark Holdren, CRPA Sr. Planner, described a rezoning request for all or part of fourteen (14) properties currently in the Forest Zoning District in College Township. Those parcels include 19-004-92, -93, -94A, -95, -95A, -96, -97, -97A, -100, -103, -104B, -104F, -014J, and -117. The property owners, led by Mr. Tom Mincemoyer, were requesting that Council approve a zoning change to Agricultural Zoning District in order to allow for some agricultural and cattle-grazing pursuits on those properties. Council denied a similar request by Mr. Mincemoyer in 2010, but a modified request is now before Council that includes multiple tax parcels.

Mr. Tom Mincemoyer, speaking on behalf of fourteen (14) collective, adjacent property owners supporting this request, made a PowerPoint presentation including aerial depictions since 1938 showing that these same lands had previously been in agricultural use. The rezoning request is being sought for lands located below 1,300 feet in elevation, as that level is utilized by the Mt. Nittany Conservancy as their conservation threshold. Mr. Mincemoyer compared the slopes of this area to those at the Mt. Nittany Medical Center, where cattle are grazed without significant erosion problems on slopes greater than those of their Forest District parcels.

Mr. Holdren stated that this rezoning would remove 112 acres of land from the Forest Zoning District and add the same to the Agricultural Zoning District, and the permitted lot size would be decreased from two acres to one acre. Mr. Holdren asked Council to determine if this proposal should be remanded to Planning Commission, stressing that this decrease in lot size would represent a potential increase in density should the properties then be developed. Such a zoning change may also necessitate the need to prepare a Development of Regional Impact (DRI) statement due to the rezoning's allowable increase in density. Because the properties are located outside the Centre Region Growth Area, the DRI would be advisory in nature.

**Mr. Koll moved to remand to Planning Commission the Mincemoyer rezoning request From the Forest Zoning District to the Agricultural Zoning District for review and comment.
Mr. Klees seconded the motion.**

Council added that College Township may wish to evaluate additional lands to be party to this rezoning, as the Township recognized that a rezoning approval is not bound solely by this request.

**Chair Fryer called the question.
Motion carried unanimously.**

NB-3 Petition Request for Support of the Renaming of Park Avenue

Mr. Tony Ricciardi, Program Director/Afternoons, WBUS Radio 93.7, introduced a petition submitted to both College Township and the Borough of State College for the renaming of Park Avenue, SR 3007, from its current street name to "Paterno Way" in recognition of former/late Penn State University football coach Joseph Vincent Paterno. Park Avenue runs from North Atherton Street to US 322 Bypass and traverses both referenced municipalities and the University. Official support from the two municipalities is needed in order to further this petition's process through legislative channels. The submitted petition offered 6,818 signatures from across the country and beyond in support of this initiative. In written correspondence dated February 17, 2012, to College Township, Mr. Ricciardi reported that eighty percent of the signatures (approximately 5,000) were from within Pennsylvania and that twenty percent called State College home. Mr. Ricciardi stated that additional backing for this petition was received from Rep. Kerry Benninghoff's office and the University Park Undergraduate Association (UPUA).

In written communication dated February 24, 2012, Mr. Brumbaugh, Township Manager, advised that College Township has no street-naming policy by which Council could review this request. Because the Borough of State College has such a policy, Policy No. 2010-01, Mr. Brumbaugh recommended that Council officially receive the petition and then defer action on any decision until 1) the Borough of State College adopts a resolution to rename Park Avenue and 2) all investigation now underway by the Office of the U.S. Attorney's Office and the Penn State University's Board of Trustees is closed.

Council thanked Mr. Ricciardi and his associates for taking the time to pull this together and offered support for the concept of the street renaming in recognition of the late Joe Paterno. However, Council members preferred to take a step back a bit in order to learn how the Borough of State College and affected property owners viewed this proposal, and to allow for the receipt of general public comment prior to taking any formal action. Council directed staff to contact affected properties, such as the Mt. Nittany Medical Center and the Centre Medical Sciences Building, to solicit feedback on the proposed street name change before bringing this back to Council for further consideration.

Mr. Klees moved to receive the Renaming of Park Avenue Petition; table action pending staff's review and recommendation; and place this action item on the Manager's Update for tracking.
Mr. Koll seconded the motion.
Motion carried unanimously.

STAFF AND ABC INFORMATIVES: No comments.

OTHER MATTERS:

1. Mr. Brumbaugh presented a request by developer Robert S. Poole for a modification to the Planned Residential District (PRD) ordinance for The Village at Canterbury Crossing. Because the current sketch plan, revised to meet College Township's prior review comments, does not meet the Township Code's distances between driveways, Mr. Poole requested by written correspondence for a modification within the PRD ordinance allowing flexibility in the ordinance for the placement of driveways, as presented.

Council discussed impacts of the current distance-between-driveways requirements and supported a review of this amendment request by Planning Commission.

Mr. Koll moved to remand to Planning Commission for its review and comment the request of Mr. R. Poole for the reconsideration of minimum driveway distances in the PRD for The Village at Canterbury Crossing.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.

2. Dr. Remick forwarded his thanks and appreciation to the Township crews for cleaning Brandywine Drive recently.
3. Ms. Shoemaker stated that she attended a recent organic gardening workshop, which was very helpful.
4. Chair Fryer reported that there was a crack in the new microsurfacing material on Dale Street from Matilda Avenue upward and directed staff to take a look at it.

5. Mr. Klees asked if there had been any reported salt spreader malfunctions that may be responsible for the large piles of salt on the roads that obviously fell out of the Township's spreader equipment. Staff reported that the salt spreaders had had some problems and were repaired recently.

COMMITTEE REPORTS:

Transportation and Land Use (TLU) Committee, February 28, 2012: Mr. Klees reported that the TLU received an update from Ms. Sue Hannegan and Mr. Mike Bloom on the Marcellus Shale Drilling Industry in Centre County; reviewed the 2012 Update to the Coordinated Public Transit – Human Services Transportation Plan; adopted the FY 2012-2013 Unified Planning Work Program (UPWP); approved a time extension amendment for FY 2010-2011 UPWP for the travel demand model project; adopted amendments to the FY 2009-2010 UPWP for the Moshannon Valley Park and Ride Study; and received a status report on Federal and State Transportation Funding. The TLU reviewed the 2013-2026 Centre County Transportation Improvement Program (TIP) and considered how funding shortfalls will affect current and future projects. If no extension is approved, both the Whitehall Road and Route 550 Betterment projects would be down for two years without any additional revenue sources.

Executive Committee, February 21, 2012: Chair Fryer reported that the Executive Committee met and added Harris Township's request for the inclusion of their Harvest Field DRI to the General Forum's (GF) February 27th agenda. This review would be off the normal DRI review schedule and, therefore, needed GF approval.

ADJOURNMENT:

Hearing no further business, Chair Fryer adjourned the March 1, 2012, Regular Council Meeting at 9:06 p.m.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary