

**COLLEGE TOWNSHIP REGULAR
COUNCIL MEETING MINUTES
Thursday, April 19, 2012**

ATTENDED BY -

COUNCIL: David P. Fryer, Chair
Daniel D. Klees, Vice-Chair
Forest J. Remick, Ph.D.
David W. Koll
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 April 19, 2012, Regular Meeting of the College Township Council at 7:36 p.m. followed by the Pledge of Allegiance.

ANNOUNCEMENT:

Chair Fryer announced that Council met in executive session immediately prior to the start of this meeting for the purpose of discussing a matter of litigation.

OPEN DISCUSSION:

None.

PLAN:

P-1 McDonald's Restaurant Preliminary/Final Land Development; 2821 E. College Avenue; Tax Parcel 19-002B-090

Mr. Mark Mox, McIlvried DiDiano & Mox, LLC, presented the McDonald's Restaurant Preliminary/Final Land Development Plan for the demolition of the existing McDonald's Restaurant and construction of a new, one-story, 5,154-square-foot masonry McDonald's Restaurant at the Nittany Mall. This business is planned to have a double drive-thru, as well as a new entrance off of E. College Avenue and a sidewalk network that connects the new building to Macy's side of the Nittany Mall. Additional site improvements consist of a new driveway along E. College Avenue, all new utilities, landscaping, and parking. The developer received PennDOT approval of its Traffic Impact Study (TIS), allowing the developer to submit the Highway Occupancy Permit package. The developer requested a waiver from sidewalk requirements as they could be required if and when the Nittany Mall redevelops.

Council offered comments on sidewalk waiver, new access turning movements, a missing parking lot tree, and pedestrian safety when crossing drive-thru lanes prior to taking the following action.

Mr. Klees moved to approve the Preliminary/Final Land Development Plan for McDonald's USA LLC Store L/C 37-0310, dated January 19, 2012, and last revised March 30, 2012, with the following conditions:

- 1. Obtain all required signatures on the plan;**
- 2. Payment of all outstanding plan review fees;**
- 3. Council agrees to the waiver of sidewalks along E. College Avenue and Benner Pike since the development will provide a sidewalk connection from McDonald's Restaurant to the main portion of the mall and due to the fact that this land development plan represents a fraction of the mall site, and, if the mall were to redevelop or expand, additional sidewalks could be required at such time to bring the site into conformance with the sidewalk ordinance;**
- 4. The foot-candles from the fixture which is being moved also needs to be included on Sheet C-6;**
- 5. The Lumens per Luminaire and the Total Lumens per Designation on the Exterior Lighting Checklist should be lumen output value of each light; and**
- 6. Replace the missing tree if so capable on the diamond island to the east of the dumpster island.**

Mr. Koll seconded the motion.

Motion carried unanimously.

MANAGER'S UPDATE:

Mr. Brumbaugh presented the April 19, 2012, Manager's Update, highlighting the Oak Hall Park well development progress; receipt of the Villas at Happy Valley fee-in-lieu appraisal; receipt of legal action against College Township by Nittany Outdoor Advertising, LLC seeking damages as a result of a denial of sign permit; and actions taken at Spring Creek Presbyterian Cemetery

CONSENT AGENDA:

- CA-1 Minutes:** March 15, 2012, Regular Council Meeting.
- CA-2 Correspondence:**
- /1: Email from Mr. S. Fitzgerald, dtd March 15, 2012, Subj: Happy Valley Vista's;
 - /2: Email from Mr. D. Barletta, dtd March 16, 2012, Subj: The Villas at Happy Valley 3/16/12;
 - /3: Letter from PennDOT, dtd. March 8, 2012, re: Automated Red Light Enforcement (ARLE) Funding Program Application;
 - /4: Thank you letter from PA Municipal Planning Education Institute, dtd March 17, 2012, for use of Township spaces for training;
 - /5: Letter from the Borough of State College, dtd March 23, 2012, forwarding police services reimbursement for 2011;
 - /6: Letter from Comcast, dtd March 29, 2012, Re: Important Information – Price Changes;
 - /7: Letter from Stahl Sheaffer Engineering, dtd March 1, 2012, Re: Oak Hall Regional Parkland NPDES Permit;
 - /8: Letter from Centre County Planning and Comm. Dev. Office, dtd April 3, 2012, regarding West Nile Virus Surveillance and Control;
 - /9: Thank you email from Greg and Beth Scott, dtd April 9, 2012, for street tree replacement and winter bike path clearing;
 - /10: Letter from PennDOT, dtd April 5, 2012, regarding Gilliland Sewage Planning Module;
 - /11: Letter from Mt. Nittany Medical Center, dtd March 2, 2012, forward 2011 contribution; and
 - /12: Letter from Penn State University, dtd April 9, 2012, announcing the April 27, 2012, Movin' On 2012 spring music festival.
- CA-3 Reports:**
- a. Finance Director's; and
 - b. Real Estate Tax; March 2012.

- CA-4** Waiver Request: Funky Freezer Request for Waiver from Noise and Solicitation in Township Rights of Way, May 12 to August 11, 2012.
- CA-5** Policy: Township Policy P-025, Hands-Free Cell Phone Usage.
- CA-6** Resolution: R-12-08 – Establishing May 2012 as “Bicycle Awareness Month” and May 18, 2012, as “Bike-To-Work Day”.
- CA-7** Bid Informative: Approval of Inter-Municipal Contract Participation; Ferguson Township; Microsurfacing and Pavement Marking Projects (College Township Piggyback).

Council pulled Consent Agenda items CA-3a., CA-4, CA-5, and CA-7 for discussion.

Mr. Klees moved to accept and approve the April 19, 2012, Consent Agenda, minus CA-3a, CA-4, CA-5, and CA-7. Ms. Shoemaker seconded the motion. Motion carried unanimously.

CA-3a. – Dr. Remick inquired into the reason for the noticeable reduction in revenue in the General Fund as of March compared to the same period of 2011. Mr. Long, Finance Director, explained that prior years saw much higher reimbursements and refunds from state and other sources than are coming in currently.

CA-4 – Ms. Shoemaker requested that the approval of the waiver request from Funky Freezer be conditioned upon the music/loudspeaker volumes being reduced when their ice cream truck is stopped for whatever reason in a residential area. Council concurred with this condition.

CA-5 – Ms. Shoemaker inquired about whether or not Council was held to this policy; and the Township Manager affirmed that when on College Township business, Council was held to the same guidelines as defined in this policy.

CA-7 – Ms. Shoemaker asked why a College Township representative was not present at Ferguson Township’s bid opening. Staff reported that Ferguson Township administers this project and does not require College Township to take any role in this project administration. However, College Township does prepare bid quantities, inspects the work, and approves all invoices before payment.

Ms. Shoemaker moved to accept Consent Agenda items CA-3a., CA-4, CA-5, and CA-7. Dr. Remick seconded the motion. Motion carried unanimously.

OLD BUSINESS:

OB-1 Ordinance O-12-03, Planned Residential Development (PRD) District Amendment; Set Public Hearing

Mr. Mark Holdren, CRPA Sr. Planner, introduced Ordinance O-12-03, PRD Amendment, advising that this ordinance was drafted as a result of a request from a developer to lessen separation distances between driveways. Staff recommended several additional revisions to this ordinance, which include amendments to the internal street network, Off-street parking, and vehicle access. Mr. Holdren suggested that, following Council discussion, action could direct this ordinance to a public hearing on May 17, 2012.

Council accepted the proposed ordinance as presented and took action to set a public hearing for May 17, 2012.

**Dr. Remick moved to set a public hearing for Ordinance O-12-03, Planned Residential Development (PRD) District Amendment, for May 17, 2012.
Mr. Koll seconded the motion.
Motion carried unanimously.**

OB-2 Ordinance O-12-01, Residential Rental Permits; Set Public Hearing

Mr. Mark Holdren, CRPA Sr. Planner, introduced the proposed Residential Rental Permit Ordinance, which would amend Chapter 200, Zoning, and create a new chapter to be entitled "Chapter 160, Residential Rental Permits" to the College Township Code. The proposed Residential Rental Permits Ordinance would require residential rental properties to apply for and receive a permit from College Township for all properties to be rented for residential purposes. The intent and purpose of this ordinance is to assure that rental housing in College Township is decent, safe, and sanitary by regulating residential rental properties by ensuring that they are operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration on the surrounding community.

Dr. Remick expressed opposition to the application requirements proposed for intermittent residential rentals, adding that the requirements were too onerous on the property owners who were only occasionally renting out their properties. Dr. Remick suggested that intermittent rental properties should be permitted to report on their rental activity at the end of the year.

Council offered comments and/or recommended revisions to clarify ordinance language; considered whether the 30-day annual limit was appropriate; discussed what constituted a "dwelling unit"; and offered editorial modifications to enhance the effectiveness of the ordinance prior to taking the following action.

Mr. Klees moved to set a public hearing for Ordinance O-12-01, Residential Rental Permits, for June 21, 2012.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.

a. Property Maintenance Code Changes –

Mr. Mark Holdren, CRPA Sr. Planner, introduced draft Ordinance O-12-05, Property Maintenance and Fire Code. The intent and purpose of this ordinance is to amend the adopted Property Maintenance and Fire Code, which prescribes effective standards and minimum requirements for buildings and premises in College Township.

Mr. Koll moved to set a public hearing for Ordinance O-12-05, Property Maintenance and Fire Code, for June 21, 2012.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.

- b. Resolution R-12-09 –** Mr. Holdren introduced Council to the supporting Resolution R-12-09, which would establish the fees and penalties for the Residential Rental Permits Ordinance by amending Chapter A203, Fees and Penalties, to set the application fee at \$25.00 and \$50.00 if application results from zoning officer action; the Renewal fee at \$15.00 if paid prior to the renewal date (\$30.00 after renewal date); and penalties set at \$25.00 per day for violations. No action was necessary at this time, as this resolution would be formally considered for approval by Council following the June 21, 2012, public hearing on related Ordinance O-12-01, Residential Rental Permits.

NEW BUSINESS:

NB-1 Food Establishments Ordinance Amendment

Mr. John Franek, Zoning Officer, stated that at their February 2, 2012, Regular Meeting, Council reviewed recommendations from the State College Borough Health Department relative to adjustments needed to the current fee schedule for health and dog law enforcement services. Council at that time directed staff to draft a resolution and ordinance to accommodate the needed changes.

a. Ordinance O-12-02, Food Establishments Ordinance Amendment; Adoption of

Mr. John Franek introduced the subject Ordinance O-12-02, which proposes to amend Chapter 111, Food Establishments, by updating ordinance language relative to references to State law and provides for State College Borough's ability to perform health inspections for College Township. Adoption of this ordinance will authenticate the joint municipal agreements for health services and dog law enforcement services.

Council accepted Ordinance O-12-02 without comment or modification.

Dr. Remick moved to adopt Ordinance O-12-02, Food Establishments Ordinance, as presented.

Mr. Koll seconded the motion.

Motion carried unanimously.

b. College Township – State College Borough Agreement; Approval of

Mr. Franek presented revised joint municipal agreements between College Township and the State College Borough relative to health and dog law enforcement services. Adoption of the ordinance would authenticate these agreements.

Dr. Remick moved to approve the *Joint Municipal Agreement For Health Services and the Agreement for Dog Law Enforcement Services*, as presented.

Mr. Koll seconded the motion.

Ms. Shoemaker requested and received clarification on the agreement language, which includes references to public swimming pools when College Township has no public pools. Staff advised that this standard agreement is used by multiple municipalities, with non-applicable sections being ignored. Ms. Shoemaker suggested that College Township should not pay State College Borough to do random enforcement. Mr. Franek, Zoning Officer, advised that the Borough would be responding to complaints only and not patrolling College Township looking for infractions.

Motion carried unanimously.

c. Resolution R-12-07, Fees and Penalties Amendment; Approval of

Mr. Franek described Resolution R-12-07, Fees and Penalties Amendment, which modifies and adds fees for licensing and inspection of food establishments, as well as establishes penalties for violations of rules and regulations pursuant to Chapter 111, Food Establishments. This resolution adjusts several existing fees to correspond with the fee structures used by other municipalities who also receive health services from the State College Borough. This resolution also adds a missing fee for proctoring services (*ServSafe* certification of food handlers), which the Borough provides to food establishment employees within College Township.

Mr. Klees moved to approve Resolution R-12-07, Food Establishments Fees and Penalties Amendment, as presented.

Mr. Koll seconded the motion.

Ms. Shoemaker requested a definition for “temporary eating and drinking places”, and staff clarified that non-profit entities would be considered temporary and do not have to pay the otherwise required fee.

Motion carried unanimously.

NB-2 Ordinance O-12-04, WAN/LAN Inter-Municipal Agreement; Adoption of

Ordinance O-12-04, WAN/LAN Inter-Municipal Agreement, approves and authorizes the execution of an inter-municipalities agreement to purchase, operate, and maintain a Wide-Area Network (WAN) and Local-Area Network (LAN) for the Borough of State college and the Townships of College, Ferguson, and Patton, the Centre Region Council of Governments, and the Centre Area Transportation Authority, all being members of the Regional Technology Coalition. These Network Services would be provided by Comcast for a five-year period ending 2016. Costs will be shared across the membership of the Centre Region’s Technology Coalition. Initial outlay to move from current Windstream email service to Comcast is \$6,500 for a router, as well as monthly access costs of approximately \$1,011 for the next five years. This is an increase of \$123 over College Township’s current monthly access cost. Staff felt this increase was justified due to the increased bandwidth necessary for current operations. Staff recommended that Township email be migrated from Windstream to the Borough’s Microsoft Exchange Server. Staff recommended that Council authorize the Township Manager to execute a Memorandum of Understanding (MOU) with State College Borough that pertains to the ongoing operational administration of the Microsoft Exchange Server.

Ms. Shoemaker moved to adopt Ordinance O-12-04, WAN/LAN Inter-Municipal Agreement, authorizing the Chair to execute the same, and to authorize the Township Manager to execute a memorandum of Understanding (MOU) with State College Borough relative to the ongoing operational administration of the Microsoft Exchange Server.

Mr. Koll seconded the motion.

Motion carried unanimously.

NB-3 Bid Awards

a. Oak Hall Roundabout Feasibility Study and Design Bid

In correspondence to Council dated April 4, 2012, Mr. Baker, Township Engineer, described College Township’s intent to modify the Boalsburg Road/Linden Hall Road/Brush Valley Road intersection in Oak Hall with an intersection improvement project that would include a roundabout to improve vehicular and pedestrian safety. The Township’s three consulting engineering firms were solicited for proposals, and two proposals were submitted.

Mr. Klees moved to award the Technical Proposal for the Oak Hall Roundabout Feasibility Study and Design Project to Keller Engineers, Inc., in the amount of \$20,000 for the feasibility study and \$115,000 for the final design of the project.

Ms. Shoemaker seconded the motion.

Motion carried unanimously.

Mr. Thomas S. Morisi, Vice President/Dir. Of Transportation, Keller Engineers advised that Keller Engineers completed five other roundabouts in the Centre Region and thanked Council for their action.

b. Aggregate Bid

Mr. Koll moved to award the Aggregate Bid to Hanson Aggregates PA LLC for the total bid amount of \$12,325.00.

Dr. Remick seconded the motion.

Motion carried unanimously.

NB-4 Township Entry Signs

In correspondence dated April 19, 2012, Ms. Mary Wilson, Asst. Township Secretary, reported that, as per Council's previous direction, staff researched the potential design and installation of new College Township entrance signs, as existing wooden entry signs were in poor condition. Council's previous direction included desired size, style of posts/base, and number of signs.

Staff researched both national and local sign companies for high-density urethane (HDU) signs, considered for its superior durability, color retention, and water resistance when compared to wood. Staff presented a sample of various sign options from Victorian Signs of Bellefonte, Pennsylvania, who proposed the construction of the proposed signs, on posts and installed, at a cost of \$2,685 per sign.

Council made minor revisions to the sign design; offered its support of either sign samples 2A or 2B; and, by consensus, authorized the acquisition of up to six signs at the stated price from Victorian Signs.

STAFF AND ABC INFORMATIVES: No comments.

OTHER MATTERS:

1. Chair Fryer advised that the State College Borough requested the formation of a joint committee to organize a joint public hearing on the Park Avenue/Paterno Way Petition. Messrs. D. Fryer and A. Brumbaugh were so assigned as College Township

representatives to this joint committee. State College Borough appointees are Messrs. R. Filippelli, D. Hahn, and T. Fontaine.

2. Ms. Shoemaker announced that long-time College Township Water Authority volunteer, Mr. Richard Harris, was presented a service award by the Alpha Fire Company at their April 14 banquet for 40 years of service.

COMMITTEE REPORTS:

Public Safety and Environmental Committee: Dr. Remick reported that the Public Safety and Environmental Committee received a presentation from Columbia Gas.

Human Resources Committee, April 3, 2012: Ms. Shoemaker reported that the Human Resources Committee approved and then referred to General Forum the amended disciplinary and grievance policy as well as the new job description for the Parks and Recreation Program Manager.

Finance Committee, April 10, 2012: Ms. Shoemaker reported that the Finance Committee reviewed the proposed 2012 – 2013 CATA Budget, which will be referred by the General Forum to the municipalities for review. Ms. Shoemaker advised that the Committee reviewed and revised the Capital Improvement Plan and reported that the limits on the COG purchasing policy have been raised, although not to the level of the Commonwealth's maximum. Because of a change in date to May 15 for the next Finance Committee Meeting, Ms. Shoemaker requested an alternate, as she is unable to attend. Mr. Long, Finance Director, agreed that he would attend.

Centre County Assoc. of Township Officials (CCATO), March 29: Ms. Shoemaker reported that the CCATO received details relative to Act 13 and H.B. 1950, which address regulations on oil and gas drilling in flood plains and various other zoning areas. Mr. Holdren, CRPA Planner for College Township, will be providing Council with a presentation on this at a future Council meeting to insure that the Township is in compliance prior to the mandated compliance deadlines.

Centre County Metropolitan Planning Organization (CCMPO), March 27, 2012: Mr. Klees reported that the CCMPO received a presentation from SEDA-COG Joint Rail Authority (JRA) activities; approved a funding request to the Centre County Board of Commissioners relative to a revision in the CCMPO's local funding share formula; amended the FY 2011-2012 Unified Planning Work Program (UPWP) for the State College Area Universal Transit Access Study; Amended the 2011-2014 Centre County Transportation Improvement Program (TIP) for Job Access Reverse Commute and New Freedom funding; and approved the final draft of the 2013-2016 Centre County TIP for Air Quality Conformity Analysis. Mr. Klees advised that, due to reductions in state and federal funding, very few projects will be moving forward. The CCMPO is attempting to meet with the County Commissioners to discuss a possible change to the municipal-county shares formula for 2013.

Transportation and Land Use Committee (T/LU), April 2, 2012: Mr. Klees reported that the T/LU Committee reviewed and commented on the Economic Development Assessment (EDA) Quarterly Progress Report for the First Quarter of 2012; reviewed and offered comments on the Draft Community Services and Facilities Element and Draft University/Community Relations Element of the Comprehensive Plan Update.

Joint Meeting of the Parks Capital Committee and the Centre Regional Recreation Authority, April 12, 2012: Mr. Klees reported that attendees of the subject joint meeting received an update from staff on the impacts of the proposed elimination of Keystone funding; heard a presentation from Oak Hall residents on the Oak Hall Park; received a consultant update from Mr. J. Pashek on the impacts of the water wells; and discussed the recreation building sites at the Whitehall Road Regional Park.

Executive Committee, April 17, 2012: Chair Fryer reported that the COG Executive Committee met to set the agenda for the next April 23rd General Forum Meeting.

Mr. Brumbaugh reported attending a meeting with Mr. Eric Bernier, CATA Services Director, relative to the CATA Budget. Following that discussion and realization that the formula being used may be somewhat problematic, Mr. Brumbaugh concluded that the time was drawing near to, and suggested that Council consider, undertaking regionally a several-year project for the development of a formula to replace the Miller Formula in meeting local transportation costs.

Ms. Shoemaker requested that staff identify CATA bus routes that travel through College Township without stopping, and staff agreed to procure that data and provide to Council.

ADJOURNMENT:

Hearing no further business, Chair Fryer adjourned the April 19, 2012, Regular Council Meeting at 9:42 p.m.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary