

**COLLEGE TOWNSHIP REGULAR
COUNCIL MEETING MINUTES**
Thursday, May 1, 2014

ATTENDED BY:

COUNCIL: David P. Fryer, Chair
Mary C. Shoemaker, Vice-Chair
L. Eric Bernier
Lynn B. Herman
Carla Stilson

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Robert T. Long, Jr., Finance Director
Mark Holdren, CRPA Sr. Planner

ABSENT: Kent N. Baker, Township Engineer
Michael W. Heath, Zoning Officer
Mary E. Wilson, Asst. Township Secretary

CALL TO ORDER

Chair Fryer called to order the May 1, 2014, College Township Regular Council Meeting at 7:06 PM, following a public hearing on the Sam's Club Fueling Station Conditional Use Permit.

OPEN DISCUSSION:

Ms. Sue Smith, 121 Dale Street, Lemont, reported that, as a member of the Affordable Housing Coalition, she is attending this and future College Township Council meetings in order to hear any matters relevant to affordable housing in the municipality.

SPECIAL PRESENTATION:

SP-1 2013 College Township Audit Report; Joseph P. Fedeli, CPA

Mr. Joseph Fedeli, CPA, Fiore Fedeli Snyder Carothers, LLP, presented the *Draft Report on Audit of Basic Financial Statements and Supplementary Information – Year Ended December 31, 2013*, for Council's consideration and comment. Mr. Fedeli offered the following as financial highlights for 2013.

Mr. Fedeli noted that a draft of the audit had been forwarded to Council for their review. He also noted that these are managements' statements and that the auditor's responsibility is to express an opinion on the financial statements based on their audit. Mr Fedeli noted that it is their opinion that the financial statements present fairly, in all material respects, the financial position of the Township. He also noted that they have issued a report on their consideration of the Township's internal control over financial reporting and their compliance testing. Mr Fedeli then highlighted the order of the financial statements and their significance.

In closing, Mr. Fedeli reported that there were no material weaknesses or deficiencies in the financial control of College Township, and the overall financial position of the Township is sound and will continue to improve.

Mr. Herman moved to accept the 2013 College Township Audit Report, as prepared by Fiore Fedeli Snyder Carothers, LLP.

Ms. Shoemaker seconded the motion.

Motion carried unanimously.

Chair Fryer brought forward agenda items P-1, NB-2, and NB-3 to accommodate the anticipated early meeting departure of the Mr. Holdren, CRPA Sr. Planner.

PLANS:

P-1 Sam's Club Fueling Station #6533-500, Preliminary/Final Land Development and Conditional Use Permit

In written correspondence to Council, dated April 28, 2014, Mr. Kent Baker, Township Engineer, reported that College Township staff reviewed the subject preliminary/final land development plan for a fueling station at 385 Benner Pike. This plan will decrease the parking area by 99 spaces but will not decrease it below the required ratio. The developer has addressed the majority of staff comments; however, a redundant signature block for the "Township Engineer" should be removed, and approval from the College Township Water Authority remains outstanding. Sam's Club requested a waiver from placing a sidewalk along Dreibelbis Street, proposing to install a sidewalk instead along the main entrance drive from Benner Pike. This would connect the existing sidewalk adjacent to the Barnes and Noble book store. Staff and Planning Commission recommended approval of this waiver request, as the proposed sidewalk would be more beneficial to the public.

Council presented inquiries and comments on 1) the developer's incorporation of Filterra bioretention stormwater treatment units; 2) operators receiving emergency fuel spill training; 3) not wishing to trade the yet-to-be-installed sidewalk out back for the half of a sidewalk being proposed; 4) ensuring that the residents in the Dreibelbis Street vicinity have adequate access to the site; and 5) CATA buses potentially blocking traffic when serving the current bus stop.

Ms. Heather Cruickshank, Dean Carlson Consulting Engineers, and/or Mr. Mark Holdren, CRPA Sr. Planner, responded that 1) everything to the left of the fueling station will drain through a cut-through to meet the Filterra stormwater treatment units; 2) confirmed that spill kits would be at each pump, and all operators would complete the required spill management/containment training; 3) the approved sidewalk at the back is on the Wal-Mart property and separate from the Sam's Club plan; 4) the missing sidewalk link connecting to the bikepath is a requirement of the approved plan for the future Hilton Homewood Suites; and 5) a condition should be added relative to the relocation of the CATA bus stop prior to the start of pumping gasoline.

Ms. Shoemaker moved to approve the Preliminary/Final Land Development Plans for Sam's Fueling Station #6533-500, dated April 10, 2014, and also approve the Conditional Use Permit for the Sale of Gasoline in a Shopping Center, with the following conditions:

- 1. Obtain all required signatures on the plan and correct the signature blocks, as directed by staff;**
- 2. Payment of all outstanding plan review fees;**
- 3. Obtain approval of the plan from the College Township Water Authority;**
- 4. Council agrees to grant the sidewalk waiver, as stipulated by Notes 6, 7, and 8 on Sheet 5; and**
- 5. The developer to negotiate with CATA regarding the relocation of the current bus stop to a more appropriate location.**

Ms. Stilson seconded the motion.

Motion carried unanimously.

NEW BUSINESS:

NB-2 Rhodes Lane Rezoning Request; Tax Parcel 19-022-099-0000

College Township received a rezoning request from Rhodes Lane property owners Swanger and Nixon for a change from R-1 to R-2 zoning, which would allow for the development of duplexes/townhomes or workforce housing on a 1.7-acre parcel of land off First Avenue.

In written correspondence to Council, dated April 24, 2014, Mr. Baker, Township Engineer, offered a synopsis of the Rhodes Lane property history. On September 9, 2004, Council approved a minor plan amendment for this parcel. However, development never took place; and the approved plan subsequently expired in 2009. Mr. Baker reported that the Township Solicitor recently reviewed the matter and determined that the preliminary plan approval was still valid, allowing the developer to resubmit a final plan prior to Spring 2015.

Mr. Holdren offered a brief presentation on this request, received Council comments and answered Council questions regarding proposed density on this parcel of about six (6) units; refuse collection concerns; and possible difficulties with any securing any future accessibility through Limerock Terrace over the rail tracks.

Ms. Stilson moved to remand the Rhodes Lane Rezoning Request to Planning Commission for review and recommendation.

Mr. Herman seconded the motion.

Motion carried unanimously.

NB-3 Chickens in Residential Areas; Discussion

In written correspondence to Council, dated April 21, 2014, Mr. Holdren, CRPA Sr. Planner, advised that, at a recent Regular Meeting, Council was requested to examine the potential for keeping of hens in residential backyards. The previously denied Ordinance O-13-03 was presented at this meeting for Council's review and consideration. Mr. Holdren reported that, under existing zoning regulations, chickens are defined as livestock and only permitted along with other agricultural uses on tracts of land of at least ten acres in the Rural Residential, Agriculture, and Single-family Residential Districts. This ordinance amendment would allow no more than four (4) chicken hens, not roosters, in the backyards of single-family homes with setbacks of 40 feet from an occupied building on an adjacent property. If the property was greater than one acre, one additional chicken hen would be permitted for each quarter acre of additional land.

On May 22, 2013, Planning Commission (PC) recommended approval of this prior, proposed ordinance. However, Council subsequently voted not to approve the ordinance at their July 18, 2013, Regular Meeting based on having no minimum lot size defined and an undefined distance a coop or run should be from an adjoining property. Some members of both PC and Council voiced a position that chickens are considered livestock but also questioned whether there should be consideration given to reducing the ten-acre minimum lot size for chickens in the currently permitted zoning districts.

Ms. Stilson questioned if, and subsequently recommended that, there should be a minimum number of chickens established. Referencing the proposed ordinance's section (e)[2] on minimum coop/run size, Ms. Stilson commented that perhaps the measurement for the minimum size should be in cubic feet, as opposed to the stated square feet.

Ms. Lesley Pillen, Patton Township, stated that she was disappointed to learn that College Township did not currently allow backyard chickens, as her family has chickens in Patton Township, and they will be moving into College Township later this summer. In response to Ms. Stilson's comment on minimum numbers of chickens, Ms. Pillen suggested that the ordinance require a minimum of two chickens, as they are social animals. Because chickens like to roost at night, Ms. Pillen suggested that roosting space/perches above the ground be required, which would allow the chickens to rest above the ground.

Mr. Rich Francke, Planning Commission liaison to Council, clarified that PC originally voted 4 to 3 in support of the initial version of this ordinance. However, once a Council-modified version returned to PC for another review and recommendation, the second vote by PC was 6 to 1 against the final version of the ordinance, the same version as that presented at this meeting.

In the interest of moving this proposed ordinance along without complication, Ms. Shoemaker supported remanding the ordinance to the Planning Commission as presented, without expanding the ordinance to include any other types of farm animals.

Mr. Herman requested a listing of the differences reflected in the chicken ordinances of the other area municipalities allowing backyard chickens.

Mr. Scott Stilson, 1528 Puddintown Road, reported that few families would use two dozen eggs per week produced by four hens, but the overage would create an avenue for strengthening the community by sharing those extras. Regarding enforcement needs, Mr. Stilson reminded Council that there is a permitting process involved and requested an update on the enforcement burdens of the other municipalities allowing backyard chickens. In response to questions about whether or not chickens belong in backyards, Mr. Stilson noted that, historically, chickens were commonly kept by families, adding that dogs are messier, louder, and do not lay eggs. In a National Animal Health Monitoring System (USDA) survey, results revealed that there was a strong inverse relationship between the age of survey participants and the likelihood of supporting backyard hens. Older individuals, 65 and above, were less likely to support the keeping of chickens. Mr. Stilson reminded Council that the supporters of this proposed ordinance commenting on it last year substantially outnumbered detractors and asked that this be kept in mind when reviewing this ordinance.

Mr. Steve Dreibelbis, Little Rock Lane, offered support for properties smaller than ten acres being permitted to own chickens, adding that goats should be considered, as well, as they help control brush, etc.

Mr. Holdren replied that College Township discussed last year reducing the minimum lot size for chickens and allowing limited grazing on smaller parcels of land. This could be revisited, as well, but not as part of this ordinance review.

Ms. Stilson moved that the proposed ordinance on the keeping of chickens, as reflected in 2013 Ordinance O-13-03, be advanced to Planning Commission for review and comment.

Ms. Shoemaker seconded the motion.

Mr. Bernier stated that, in deference to the individuals requesting a revisit of this matter, he would support its advancement to PC; however, this should not be construed as support for the ordinance, as he remains opposed for the same reasons stated last year.

Motion carried unanimously.

NB-1 CATA FY 2014/2015 Proposed Budget

Chair Fryer commended Mr. Hugh Mose, CATA General Manager, for his years of exceptional service to Centre Area Transportation Authority (CATA) and wished him well in his upcoming retirement.

Mr. Mose introduced Ms. Kimberly Fragola, CATA Director of Administration, and Mr. Ryan Hashbarger, CATA Director of Transportation, before presenting CATA's FY 2014/2015 Proposed Budget. Budget highlights included the following.

- CATA served 7.2 million riders in the past year, an all-time record.
- The CATA COMMUTE program now has over 2,200 registrants in the carpool-matching program; and deployment of its 43rd vanpool brings commuters into the Centre Region from eleven surrounding counties.
- Ridership gains have been realized in the CATARIDE program, the dial-a-ride service for older adults and those with disabilities.
- New student housing complexes have required additional services.
- Ms. Louwana Oliva will be Mr. Mose's successor as CATA's General Manager.
- Bus fares, steady for the past eight years, will increase from \$1.50 to \$1.75, and passes and tokens will increase, as well.
- The proposed budget calls for a 10.57% increase in the overall Operating Budget.
- Increase anticipated in state funding as a result of the newly passed Act 89.
- Municipalities will see a three percent (3%) increase in their local shares for the upcoming year.
- CATA Facility Expansion Project will enable CATA to replace the Ferguson Township site location, currently handling 40 buses, with a facility designed to handle up to 125 buses.
- The local share request for capital reserves will increase from \$75,000 to \$100,000 to meet the match requirements of the federal and state funding. Other capital projects to be implemented in FY 2014/2015 include the acquisition of five cutaway minibuses for use on commuter-level routes and the deployment of CATA's first CNG-powered sedans.
- Exterior bus advertising will generate \$84,000 in the next year.

College Township's share for FY 2014/2015 CATA services will be \$78,497, with \$65,745 applied to the Operating Budget and \$12,752 applied to the Capital Budget. College Township's increase is greater than the overall three percent increase due to increased services, especially the expanded M and the VN Routes, serving College Township. The total amount of municipal shares for this period is \$615,558, with \$515,558 for the Operating Budget and \$100,000 for the Capital Budget.

By consensus, Council expressed their satisfaction with the CATA Budget for FY 2014/2015, as presented.

MANAGER'S UPDATE:

Mr. Brumbaugh, Township Manager, presented the May 1, 2014, Manager's Update, mentioning a recently received correspondence from the University Area Joint Authority (UAJA), listed below as Consent Agenda item CA-2/1, requesting a letter of support for a UAJA grant application. Council voiced no objection to the generation of the requested letter.

Council inquired into the status of the Spring Creek Park footbridge ramp construction and the Nittany Outdoor Advertising law suit. Mr. Brumbaugh reported that the construction of the footbridge ramp has been postponed to the Fall; and Mr. Long, Finance Director, advised that the attorney in the legal matter deemed the likelihood of an unfavorable outcome in this case, which could include the Township's being required to pay the plaintiff's legal fees, to be approximately forty-five percent (45%).

CONSENT AGENDA:

The following Consent Agenda items are presented for Council acceptance.

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| CA-1 Minutes: | April 17, 2014, Regular Council Meeting |
| CA-2 Correspondence: | /1: Email from UAJA, dtd Apr. 30, 2014, requesting letter of support for National Fish and Wildlife Foundation grant application |
| CA-3 Bid Award: | Microsurfacing and Pavement-Marking Projects; Inner-Municipal agreement with Ferguson Township; Agreement to Award the 1) 2014 Microsurfacing Bid to Asphalt Paving Systems; with College Township's share totaling \$54,938.03; and 2) 2014 Pavement-Marking Bid to Alpha Space Control Co., with College Township's share totaling \$30,885.00 |
| CA-4 Report: | Finance Report; March 2014 |

Ms. Stilson pulled item CA-3 from the Consent Agenda for discussion.

Ms. Shoemaker moved to accept and approve the May 1, 2014, Consent Agenda, minus item CA-3.

Mr. Bernier seconded the motion.

Motion carried unanimously.

CA-3: Ms. Stilson questioned the last paragraph concerning the higher costs; and Mr. Brumbaugh stated that the Township estimate was based on quantities of paint. A greater number of those items were required in order to complete the anticipated projects.

Ms. Stilson moved to receive Consent Agenda CA-3.

Mr. Herman seconded the motion.

Mr. Herman queried how staff developed their estimates for anticipated road improvement bids; and Mr. Brumbaugh replied that staff considers previous year's experiences, including those of other municipalities, pricing of materials, market fluctuations, and anticipated pricing of asphalt.

Motion carried unanimously.

OLD BUSINESS:

OB-1 Lemont Post Office Proposal for Accessibility Design

In written correspondence to Council, dated April 24, 2014, Mr. Baker, Township Engineer, presented the Lemont Post Office Proposal for Accessibility Design. This proposal is in response to Council's previous discussions on January 6 and February 20, 2014, relative to a complaint about need to address the non-compliant ADA parking stalls, existing ramps, and the dumpster location at the Lemont Post Office. Although these design and construction items were not budgeted for this year, Council was requested to authorize proceeding with the work in order to bring these conditions into compliance with current standards. The consulting work would be charged to budget line item #408.318, and the future construction would be charged to the Township's post office line item #409.372.

Council requested clarification on the improvements, on whether or not the design work would result in a recommendation that would make the conditions fully compliant; and Mr. Brumbaugh responded affirmatively.

Ms. Susan Smith, 121 Dale Street, suggested that a ramp was needed close to Mt. Nittany Road and should not be close to the building.

Ms. Stilson moved to authorize the approval of the Proposal of Service from Keller Engineers for Accessibility Assessment and Design at the Lemont Post Office in the amount of \$3,450.00 and authorize this expenditure in General Fund Account #408.318.

Ms. Shoemaker seconded the motion.

Motion carried unanimously.

NEW BUSINESS (Cont'd.):

NB-4 College Township Year-To-Date Finance Report

Mr. Robert T. Long, Jr., Finance Director, presented the *College Township Finance Report Year-to-Date March 31, 2014*, highlighting the following.

- No significant red flags of concern are observed in this first quarter review.
- Revenues are less than expenses due primarily to real estate tax collections not yet coming in. Fund balances from the prior year carry the Township through this period.
- Of the \$587,000,000 in total property assessed value, \$153,000,000 (155 parcels) is exempt from the real estate tax.
- State Liquid Fuels allocation has increased eight percent (8%), or \$24,000, as a result of the 2013 Transportation Bill.
- The 2013 Transportation Bill also results in the receipt of the allocation a month earlier than prior years and also will result in savings as a result of a modification to prevailing wage requirements.
- Fees realized through the 1996 Penn State Impact Fee Agreement for the first quarter of 2014 equal \$48,000, which is lower than the prior year..

STAFF AND ABC INFORMATIVES:

No *Staff Informatives* were pulled for discussion.

COUNCIL/STAFF OTHER MATTERS:

Mr. Brumbaugh reported that the deadline was extended one week, to May 12, for receipt of applications for the upcoming Council seat vacancy. The notice has been posted to C-NET's Channel 7 bulletin board and will be posted at the Lemont Post Office.

COMMITTEE REPORTS:

Mr. Herman advised that he would be unable to attend the May COG Human Resources Committee Meeting and asked for an alternate to attend in his place. Chair Fryer stated that he may be able to attend.

Centre County Metropolitan Planning Organization (CCMPO) Coordinating Committee, April 22, 2014: Mr. Bernier reported that the CCMPO Coordinating Committee 1) discussed the proposed amendments to the Long-Range Transportation Plan (LRTP) and the 2013-2016 Centre County Transportation Improvement Program (TIP); 2) determined the status of the project request for the SR322, four-lane, limited-access highway from Potters Mills to the I-80/I-99 area; and 3) reviewed the 2015-2018 Centre County TIP and discussed Ferguson Township's recommendation to remove from the TIP the Pine Grove Mountain Phase 2 Project.

ADJOURNMENT:

Hearing no further matters for discussion, Chair Fryer adjourned the May 1, 2014, Regular College Township Council Meeting at 9:03 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary