

COLLEGE TOWNSHIP COUNCIL
REGULAR COUNCIL MEETING MINUTES
Thursday, July 17, 2014

ATTENDED BY:

COUNCIL: L. Eric Bernier, Chair
Mary C. Shoemaker, Vice-Chair
Lynn B. Herman
Carla Stilson
D. Richard Francke

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Kent N. Baker, Township Engineer
Michael W. Heath, Zoning Officer
Mark Holdren, CRPA Sr. Planner
Linda Chencharick, Recording Secretary

ABSENT: Robert T. Long, Jr., Finance Director
Mary E. Wilson, Asst. Township Secretary

CALL TO ORDER

Chair Bernier called to order at 7:45 PM the College Township Council Regular Meeting, following a public hearing on Ordinance O-14-08, Keeping of Chickens in Residential Areas.

ANNOUNCEMENT:

Chair Bernier announced that Council met in Executive Session immediately prior to this meeting for the purpose of addressing a personnel matter.

OPEN DISCUSSION:

1. Ms. Ruthann Houtz Pressler, Thompson Street, reported that she has experienced significant problems with stormwater runoff this year, as evidenced by her house taking on water twice already. Ms. Houtz Pressler recognized that five 100-year floods have happened in the past two years; and the property above her having been clear-cut and a ditch having been dug through the nearby wetlands have added significantly to the increased stormwater now bombarding her property and others. Paving Thompson

Street, she added, will only add more stormwater stress on the properties below her. Ms. Houtz Pressler advised that these stormwater management problems must be resolved before any additional paving work is done.

2. Ms. Mary Jo Kohler, Mt. Nittany Road, concurred with comments made by Ms. Houtz Pressler and expressed concern with the amount of water coming down from the recently dug ditch through the wetlands. Ms. Kohler inquired about the identity of who dug that ditch and what the Township intends to do about the associated stormwater impacts on her property.
3. Mr. Ed Galus, Rock Road, reported unsafe conditions on Rock Road through Houserville due to bicyclists and pedestrians in the road and suggested that bike paths or sidewalks be considered or prohibit bikes on the roadways.
4. Mr. Robert Shock, Elmwood Street, brought to Council's attention the continued speeding of vehicles on Elmwood Street. Council was requested to take any and all actions at their disposal to stem the excessive speed on Elmwood Street.

Chair Bernier directed Township staff to make the appropriate contacts.

MANAGER'S UPDATE:

Mr. Adam Brumbaugh, Township Manager, presented the July 17, 2014, Manager's Update and highlighted the UAJA stream augmentation work that will begin shortly at Kissinger Meadow on E. Branch Road. The completion date for this next phase of the Kissinger Meadow beneficial reuse water distribution system is October 31, 2014.

Chair Bernier requested clarification on PennDOT's previously expressed commitment to realign Country Club Road at E. Branch Road; and Mr. Kent Baker, Township Engineer, replied that PennDOT now has that realignment on their engineering drawings.

CONSENT AGENDA:

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| CA-1 Minutes: | a. June 19, 2014, Regular Council Meeting
b. June 26, 2014, Special Joint Council-P.C. Meeting on Hilltop |
| CA-2 Correspondence: | /1: Email from Mr. R. Edwards, dtd June 30, 2014, regarding Everhart Rezoning
/2: Email from Ms. D. Stuchul, dtd July 2, 2014, supporting Backyard Hens
/3: Letter from Friends School, dtd July 3, 2014, regarding Impacts of Everhart Rezoning
/4: Letter from WHM Consulting, dtd June 30, 2014, regarding Oak Hall-Kelly Property Stream Bank Stabilization Project
/5: Letter from Mr. R. Hoffman, dtd July 2, 2014, resigning from Parks and Recreation Committee
/6: Letter from Mr. W. Sharp, dtd July 11, 2014, supporting Chickens in Residential Areas
/7: Email from Ms. M. Chernega, dtd June 22, 2014, offering comments on Centre Hills Village traffic safety measures |

- /8: Letter from Ms. M. Fink, dtd July 14, 2014, opposing Chickens in Residential Areas
- /9: Email from Mr. M. Rooke, dtd July 16, 2014, supporting Chickens in Residential Areas
- /10: Email from Ms. C. Cohan, dtd July 17, 2014, supporting Chickens in Residential Areas
- /11: Email from Ms. Courtney Hayden, dtd July 17, 2014, supporting Chickens in Residential Areas
- /12: Email from Ms. M. Fink, dtd July 17, 2014, regarding Chickens in Residential Areas
- CA-3 Bid Award:** Fogleman Fields Path Paving Project to Eby Paving and Construction, Inc. for the total bid amount of \$49,280.00; Approval of
- CA-4 Resolution:** R-14-13; Use of "Villas Development" Fee-In-Lieu Parkland Funds; Approval of
- CA-5 ABC Appointments:**
 1. Mr. William Sharp to Parks and Rec Committee filling the unexpired term vacated by Mr. R. Hoffman, with term expiration of 12/31/2017
 2. Mr. Benson Lichtig to the College Twp. Industrial Development Authority as Alternate Director, with term expiration of 12/31/2016.

Council pulled Consent Agenda items CA-3 and CA-4 for discussion.

Ms. Shoemaker moved to approve the July 17, 2014, Consent Agenda, minus CA-3 and CA-4.

Ms. Stilson seconded the motion.

Motion carried unanimously.

CA-3: Mr. Francke wished to recognize that this favorable bid amount was substantially below the \$92,000 figure budgeted for this project and thanked staff for a good job of value engineering resulting in this successful bid.

CA-4: Mr. Francke stated that The Villas at Happy Valley development, during their land development process, was required to make a large fee-in-lieu-of-parkland contribution to College Township. Resolution R-14-13 reimburses the Township for parks expenses expended against that contribution in the amount of more than \$537,000. Mr. Francke thanked Mr. Robert T. Long, Jr., Finance Director, for work performed in making this possible.

Mr. Francke moved to receive CA-3 and CA-4.

Ms. Stilson seconded the motion.

Motion carried unanimously.

OLD BUSINESS:

OB-1 Ordinance O-14-08, Keeping of Chickens in Residential Areas

Ordinance O-14-08, Keeping of Chickens in Residential Areas, proposes to amend the College Township Code, Chapters 200-11A, Use Regulations, and 95, Dogs and Cats. The

intent of this proposed ordinance is to permit the keeping of chicken hens in residentially zoned areas by the citizens of College Township and would permit no more than four (4) chicken hens per lot less than one (1) acre and permit one additional hen for each additional quarter-acre above one (1) acre in lot area. Setbacks for chicken coops and outside runs was proposed to be no closer than 40 feet to an existing occupied building on an adjoining property, or the setback distance required by the established building setbacks within the lot's respective zoning district, whichever is greater. Coops and runs would be prohibited in the front or side yards.

Council commented on the following.

- If a chicken ordinance is adopted and problems were later realized, Council would have the authority to repeal the ordinance, while grandfathering in existing, compliant hen owners.
- Suggested having in the ordinance the requirement for the coop/run to be within forty feet of the hen owner's house, or, at the least, closer to the hen owner's home than any adjacent dwelling unit.
- Add a clause added to regulate noisy, nuisance hens through enforcement, as established for dogs.
- Staff clarified that coops cannot be erected without a zoning permit being procured.
- Opposed any requirement for banding of chickens.

Following discussion, Council directed staff to modify this ordinance to reflect that 1) in addition to the 40-foot-from-dwelling-unit requirement on coops, the structure would have to be further away from an adjacent property's home than it is to the site home; and 2) enforcement measures are defined for hen-generated noises/nuisance, as in keeping with enforcement of dogs.

By Council consensus, action was deferred on this proposed ordinance. Staff was directed to modify this proposed ordinance as noted above and remand, as modified, to Planning Commission. It will return to Council at a future meeting for review and possible setting of another public hearing.

Mr. Scott Stilson, Puddintown Road, expressed a preference for the language relating to coop distances simply saying that coops must be closer to the owner's home than to any other adjacent home.

Ms. Shoemaker concurred with this language but with the addition of "...but no closer than 40 feet from any adjacent dwelling units." No Council objection to this was forthcoming.

Chair Bernier called for a brief recess at 8:31 PM to allow those in attendance to clear the room. The meeting was reconvened at 8:40 PM.

OB-2 Ordinance O-14-07, Hilltop Area Rezoning

Proposed Ordinance O-14-07, Hilltop Area Rezoning, would amend the College Township Zoning Map to rezone lands in the Hilltop area to Gateway Commercial (GC) and Open Space Recreation Conservation (OSRC).

On June 19, 2014, Council scheduled a June 26th Special Joint Meeting of Council and Planning Commission (PC) for the purpose of pursuing in-depth discussion with interested citizens on Hilltop-related topics. Council discussed public comments offered at that Special Meeting.

Council offered their comments on the public's comments during the June 26th Special Meeting.

- Mr. Francke noted that traffic is a concern for the public, but a defined process should be allowed to work to best mitigate current or future traffic problems. This topic should be handled separately from this rezoning request. Mr. Herman offered his concurrence.
- In response to public comments on an ordinance change that would exclude student rentals, Mr. Francke stated that he was not a supporter of any exclusionary ordinances.
- Ms. Stilson concurred with a Council suggestion made at the Special Meeting that current R-1 properties throughout the Township being considered for a change to GC should be permitted to retain the height limit protections they enjoyed as R-1 properties and suggested this be considered further.
- Ms. Shoemaker thought the additional 50-foot buffer along Thompson Woods Preserve might not be as beneficial as it would be by adding it back to the 150-foot buffer along the R-1 properties. Staff stated that it would be preferred to see a vegetative buffer, as required in the current ordinance, as opposed to 50 feet of grass. Council concurred.
- Mr. Herman expressed concern with not having reached any conclusions or decisions on matters brought up by the public at the Special Meeting, such as density, height restrictions, and how to handle an isolated R-2 property.
- Mr. Bernier noted that Council received confirmation that, although it is legal to establish restrictions against student housing, it would be difficult to enforce.

Public comments offered at this meeting were generally supportive of the above-mentioned highlights; however, comments in opposition are as follows.

Based on his interpretation of the Township Solicitor's letter on restricting student/rental housing, Mr. David Porter, Cottonwood Avenue, encouraged Council to amend the ordinance to restrict student and transient housing, as it could offer relief to the Walters property. Mr. Porter recommended that language be added that would state that the Township would assist in the mitigation of increased traffic resulting from this area's development.

Ms. Linda Kelly Porter, Cottonwood Avenue, supported College Township's addressing the traffic issue in the Oak Ridge Avenue area and a no-student-housing ordinance.

Mr. Greg Johnson, Shamrock Avenue, stated that there is sufficient student/transient housing in the Centre Region; stressed lower density in the Hilltop area; expressed general support for the Gateway Commercial Zoning being proposed; and noted the need for family/workforce housing.

Mr. Baker, Township Engineer, clarified that, at the June 26th Special Meeting, the Township Solicitor advised that it was illegal to do an outright ban or prohibition on student/transient rental housing. It can be regulated or restricted; but, it would be difficult for staff to enforce.

Mr. David Porter suggested that another meeting was in order to discuss with the Township Solicitor the pros and cons of restricting student housing.

Messrs. Brumbaugh and Holdren clarified that the Borough of State College and College Township are the only municipalities in the Centre Region to have defined requirements for workforce housing as part of a residential land development plan. In College Township, if a plan proposes five or more dwelling units per acre, there is a minimum of five percent (5%) of the dwelling units that must meet workforce housing standards. If student housing is so proposed for the Hilltop area, the plan must reflect a portion of workforce housing in proportion to the density of dwelling units per acre, up to a maximum of ten percent (10%).

Mr. Pat Ward, Uni-Tec Engineering, stated that his client, Mr. Jack Mitchell, previously requested that his R-2 parcel be included in the GC rezoning, as also previously recommended by the Centre Region Planning Commission. Mr. Ward also stated that the suggested changes to the GC Zoning District were proposed in an effort to promote a more commercially focused area.

Mr. Kevin Abbey, ClearWater Conservancy, asked for and received clarification on the GC ordinance's buffering requirements and, at Council's request, agreed to work on identifying impacts resulting from the various buffer depths.

Following an in-depth discussion, Council agreed to remove the proposed 50-foot Open Space Recreation Conservation (OSRC) District buffer along the Thompson Woods Preserve and return it to the top along Oak Ridge Avenue. This would return the top buffer to the originally proposed 200-foot depth and would allow a more effective buffer along the Thompson Woods Preserve, as required if the Gateway Commercial zone would extend to the property line. Council also added an additional height restriction to the GC Zoning District to restrict building heights to no taller than 35 feet within 150 feet against any existing single-family home, regardless of their existing zoning.

Council agreed to schedule another Special Council Meeting for further public discussions to 1) review proposed ordinances O-14-07, Hilltop Area Rezoning on modifying the OSRC District, and O-14-11, Gateway Commercial Zoning District, on buffering and density issues; 2) review legal and PC comments on student housing restrictions; and 3) receive a staff

review of State College Borough restrictions on student housing. Staff will send a poll to Council to determine a date for a second special meeting on Hilltop matters.

Staff suggested that, should Council feel satisfied with the changes, public hearings could be set now, which would allow these ordinances to be remanded to Planning Commission for a review of these modifications.

Ms. Shoemaker moved to set a public hearing for Sept. 4, 2014, on Ordinance O-14-07, Hilltop Area Rezoning, and Ordinance O-14-11, Gateway Commercial Zoning District, both as amended.

Mr. Francke seconded the motion.

Motion carried unanimously.

NEW BUSINESS:

NB-1 Lemont Post Office Parking Lot Modifications

On May 1, 2014, Council authorized Keller Engineers to provide survey and design services for design options to install ADA ramps at the front and rear parking lots at the Lemont Post Office. Keller Engineers completed that work, and Council reviewed the recommended three phases. In written correspondence to Council, dated July 10, 2014, Mr. Kent Baker, Township Engineer, described those three phases and requested Council's authorization to proceed with Phase 1.

Phase 1 reflects the installation of an ADA-compliant ramp at the rear parking lot ; Phase 2 would include the removal and replacement of the existing paved handicap parking stall in the front parking lot and the removal and replacement of the existing handicap ramp at the front entrance; and Phase 3 would include the construction of a concrete pad and ramp for the dumpster, plus the construction of an ADA ramp next to the rear loading zone.

Following a brief presentation on current conditions and a discussion of the Keller Engineers' options, Council concurred with moving forward with Phase 1, although, staff was requested to return to Council with price quotes.

Ms. Shoemaker moved to proceed with Phase 1 of Keller Engineers' design options and directed staff to procure price quotes for that work at a price not to exceed \$11,500.

Ms. Stilson seconded the motion.

Motion carried unanimously.

Mr. Francke recommended that Township properties be evaluated for compliance with the current ADA standards.

This will return to Council for review of price quotes.

STAFF AND ABC INFORMATIVES:

Mr. Steve Lyncha, Planning Commission Liaison to Council, reported that PC recommended the approval of the All Nations Bible Translation Church Preliminary/Final Land Development Plan and the Barn Brewing Parking Lot Preliminary/Final Land Development Plan. The Final Land Development Plan for 331 Innovation Boulevard was tabled.

COUNCIL/STAFF OTHER MATTERS:

1. Mr. Brumbaugh stated that Ferguson Township inquired into College Township's interest in participating with them in a DEP grant for a grappling truck for brush collection. The grant covers 80% of the cost, and the remainder would be split between the two municipalities. The buy-in cost for College Township would be \$8,000. Council directed the Township Manager to gather further details and return to Council for consideration.

COMMITTEE REPORTS:

Joint Meeting of Parks Capital Committee and the Centre Region Parks and Recreation Authority Board, July 10, 2014: Mr. Francke reported that the subject joint meeting attendees 1) received an assessment from COG engineers on corrective actions required as a result of the significant stormwater run-off event at the Oak Hall Regional Park on June 25th, which also affected two adjacent properties; 2) received a presentation by the Centre Region Community Tennis Association on the updated "Tennis Building Strategic Business Plan" for courts proposed at Whitehall Road Regional Park.

Joint Meeting of Public Services/Environmental Committee and the Ad Hoc Organics Committee: July 9, 2014: Attending on behalf of Ms. Stilson, Ms. Shoemaker reported that the subject joint meeting attendees 1) considered the impacts on bidding prices as a result of converting to CNG-fueled refuse and recycling vehicles; 2) and received a presentation from the State College Borough Public Works Director's participation in a USDA-sponsored study tour of organics programs in the European Union.

Finance Committee Meeting, July 10, 2014: Ms. Shoemaker reported that the Finance Committee attendees began its review of the Draft 2015 COG Program Plan, which included the draft Capital Improvement Plan. The Finance Committee recommended that the increase in overall municipal contributions not exceed three percent (3%) for the 2015 COG budgets.

Human Resources Committee, July 2, 2014: Mr. Herman reported that the Human Resources Committee 1) reviewed the wage compensation study; and 2) approved the new job description for the Human Resources Officer.

ADJOURNMENT:

Chair Bernier adjourned the July 17, 2014, Regular Meeting of the College Township Council at 10:42 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary