

COLLEGE TOWNSHIP COUNCIL
REGULAR COUNCIL MEETING MINUTES
Thursday, August 7, 2014

ATTENDED BY:

COUNCIL: Mary C. Shoemaker, Vice-Chair
Lynn B. Herman (delayed arrival)
Carla Stilson
D. Richard Francke

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Kent N. Baker, Township Engineer
Robert T. Long, Jr., Finance Director
Michael W. Heath, Zoning Officer
Mark Holdren, CRPA Sr. Planner
Mary E. Wilson, Asst. Township Secretary

ABSENT: L. Eric Bernier, Chair

CALL TO ORDER

Vice-Chair Shoemaker called to order at 7:06 PM the College Township Council Regular Meeting, followed by the Pledge of Allegiance.

ANNOUNCEMENT:

Vice-Chair Shoemaker announced that Council met in Executive Session immediately prior to this meeting for the purpose of conducting an ABC interview and discussing a legal matter.

OPEN DISCUSSION:

Ms. Judi Sittler, Chair of the Spring Creek Watershed Association and member of Spring Creek Chapter of Trout Unlimited, expressed concern regarding possible negative stormwater impacts due to the rezoning of the Hilltop area and displayed a photograph of the confluence of Walnut Spring Run and Thompson Woods Run following a recent rain event. Ms. Sittler recommended that an assessment be made of this watershed by a seasoned hydrologist and offered to investigate possible grants that fund a joint watershed assessment project undertaken by College Township and Trout Unlimited.

SPECIAL REPORT:

SR-1 Schlow Centre Region Library

Ms. Maureen Welesko, College Township representative on the Schlow Centre Region Library Board, thanked Council for the appointment to the Library Board and stated that she now serves on the Library's Strategic Planning Committee, is Advisor to the District Council, and serves as liaison to The Friends of Schlow Centre Region Library.

Ms. Cathi Alloway, Schlow Centre Region Library Director, offered a written summary prepared by Goettler Associates, dated June 11, 2014, on their comprehensive campaign planning study report for Schlow Centre Region Library and The Friends of Schlow Centre Region Library and gave a brief update on the Library usage and budgetary conditions. Ms. Alloway reported that Library visits are up two percent (2%), although check outs are going down due to the forty percent (40%) increase in the Library's inventory of e-books. As state funding of libraries is not keeping up with inflation and funding is critical, Ms. Alloway reported that the Library is hoping to hire a full-time Development Officer to help with needed fund raising. Funds raised in 2010 amounted to \$70,000; while, in 2013, funds raised amounted to \$200,000. Increases in community funds raised directly impact the amount that municipalities must pay in support of the Library. To help offset the reduction in state funding, the Library will be closing its doors at 8 PM, which will aid in preventing another week-long closure.

In response to staff's inquiry into the parking situation at the Library, Ms. Alloway reported that there are now adequate parking spaces for visitors to the Library, although after-hours parking is still problematic.

MANAGER'S UPDATE:

Mr. Adam Brumbaugh, Township Manager, presented the August 7, 2014, Manager's Update and reported that the Township received the Judge's reconsideration of the decision relative to Nittany Outdoor Advertising and the plaintiff's renewed settlement offer.

CONSENT AGENDA:

- CA-1** Minutes:
- a. July 17, 2014, Public Hearing on O-14-08, Chickens in Residential Areas
 - b. July 17, 2014, Regular Council Meeting
 - c. July 21, 2014, Special Meeting on 2015-2019 CIP and Budget
- CA-2** Correspondence:
- /1: Letter from Henry and Simon Smith, dtd July 11, 2014, requesting permission to build treehouse in Township parkland
 - /2: Letter from Windstream, dtd July 21, 2014, regarding the removal of Channel 17 from the Windstream cable network

- /3: Email from Wm. And Donna Spicher, dtd July 17, 2014, opposing any consideration of the closing of Squirrel Drive
- /4: Letter from Robert Edwards, dtd Aug. 5, 2014, opposing the rezoning of the Everhart tract
- CA-3 ABC Matters:**
- a. Resignation of Ms. Mary Ann Miller from CTIDA Board effective July 15, 2014; Acceptance of
 - b. Reassignment of CTIDA Alternate Director Mr. E. McFadden to Full Director position vacated by Ms. Mary Ann Miller, with term expiration of 12/31/2016
 - c. Appointment of Ms. Alison Kurtz to the unexpired, vacant position of 2nd Alternate Director on the College Twp. Industrial Development Authority, with term expiration of 12/31/2016.

**Ms. Stilson moved to approve the August 7, 2014, Consent Agenda, as presented.
Mr. Francke seconded the motion.
Motion carried unanimously.**

OLD BUSINESS:

OB-1 Struble Road Seal Coat Project – Rejection of Bid

Mr. Kent Baker, Township Engineer, stated that the bids for the Struble Road Seal Coat Project, from Jalice Circle to the terminus of the road at the gravel turn-around area, came in higher than expected. This project was budgeted for \$27,615, and the only bid was for \$33,848.10. Staff recommended that this bid be rejected and re-bid next year.

**Ms. Stilson moved to reject the Struble Road Seal Coat Project bid.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.**

**OB-2 Ordinance O-14-08, Keeping of Chickens in Residential Areas;
Set Public Hearing**

Proposed Ordinance O-14-08, Keeping of Chickens in Residential Areas, would amend the College Township Code, Chapter 200, Zoning, and Chapter 95, Dogs and Cats, to permit the keeping of chicken hens in residential areas in limited quantities and under certain conditions.

Mr. Mark Holdren, CRPA Sr. Planner, advised that the Planning Commission (PC) reviewed this proposed ordinance and discussed possible changes to 1) require that any chicken housing facilities be kept within close proximity to the back of the owner's home, 2) increase the required screening, and 3) require that adjoining neighbors be advised of any intent to procure chicken hens. The proximity criteria were modified to require that coops be closer to the

owner's home than to any other home. The PC's motion to recommend changes to the ordinance failed on a split vote, three to three.

Ms. Melanie Fink, Julian Drive, spoke in opposition to this proposed ordinance based on the possibility of chickens being housed on six different properties that her home overlooks.

Mr. Steve Lyncha, Planning Commissioner, advised that it was his recommendation to require the coops to be more directly behind the hen owner's home. Mr. Lyncha stated that he could forego requiring neighbors to be notified of any intent to procure hens, as this is not required when dogs or cats are acquired. Mr. Lyncha felt that a 40-foot distance from a neighbor's home was insufficient in controlling odor and noise issues but within 40 feet from the owner's own home would be reasonable.

Mr. Francke did not feel that it was necessary to notify neighbors of intent to procure hens and voiced opposition to this ordinance moving to a public hearing based on 40 feet being an insufficient distance from a neighbor's home or not having established a minimum distance from the rear of a hen owner's house for the coop/run.

Vice-Chair Shoemaker supported the ordinance as written and noted that the township solicitor's opinion on Council's future authority to repeal this ordinance should it prove too difficult to control.

Mr. Lynn Herman, Council member, arrived at the meeting at 7:40 PM.

Following Council discussion on coop/run distances from owners' homes, Council took action to set a public hearing on this ordinance.

Vice-Chair Shoemaker moved to set a September 18, 2014, public hearing on proposed Ordinance O-14-08, Keeping of Chickens in Residential Areas.

Mr. Herman seconded the motion.

Motion carried 3 – 1 (Francke voting nay).

NEW BUSINESS:

NB-1 Oak Hall Regional Park; Update

Mr. Kent Baker, Township Engineer, described what has been done at the Oak Hall Regional Park following the two latest storm events. The park, still under construction, did not have all of the stormwater facilities installed when the heavy storms hit. During those storms, the swales were not handling the water sufficiently, and the water did not get directed into the detention pond. The swales are now functioning to properly direct the stormwater; a temporary swale has been installed to direct stormwater into the detention pond; and the aging 12-inch corrugated metal pipe crossing the park driveway has been replaced with an 18-inch,

smooth-lined, High-Density Polyethylene (HDPE) culvert pipe. These temporary stormwater facilities are built to handle a 10-year storm.

Mr. Brumbaugh advised that, from an erosion and sedimentation standpoint, the Pennsylvania Department of Environmental Protection (PaDEP) and the Soil Conservation District found the site, during required inspections, to be in compliance with stormwater regulations. Mr. Brumbaugh added that corrective actions and recent enhancements are performing well but additional work remains to be done.

Council inquired about stormwater management facility common construction practices; the impacted nearby property owners; stormwater flows entering Spring Creek; culverts being screened to protect children and animals; any required out-years inspections of the swales in the PennDOT right of way; and any consideration of relocating the driveway.

Mr. Baker advised that sites must be cleared to begin installing stormwater facilities; the Township remains in communication with affected property owners; Spring Creek was negatively impacted by the runoff; culverts should remain unscreened; a site must pass its final inspection but no subsequent, regular inspections of stormwater facilities in rights of way are required; and there would be extensive negative stormwater impacts should the park driveway be relocated.

Ms. Judi Sittler, Spring Creek Watershed Commission, expressed concern over the amount of clay silt that has now entered Spring Creek and threatened the creek.

Mr. Duff Gold, geologist, asked what type of storm the current detention pond was built to accommodate. Staff reported that, during the construction phase, it is designed for a 10-year storm but will be built to 100-year storm standards once the park development is completed.

NB-2 Everhart Rezoning Request, Tax Parcel 19-005,-032-,0000; Discussions of Rezoning/Expansion of the Regional Growth Boundary (RGB) and Setting of Public Hearing

Mr. Mark Holdren, CRPA Sr. Planner, presented the *Everhart Rezoning Report*, dated June 13, 2014, last revised July 18, 2014. This rezoning request is for a 63.47-acre portion of the 156.91-acre Everhart property and, if approved, would rezone the 63 acres from Agriculture (A) to Single-family Residential (R-1). The property owners, James and Linda Everhart, were also asking that this parcel be included in the Regional Growth Boundary and Sewer Service Area (RGB/SSA). Mr. Holdren noted that in addition to the 63 acres, seven are already zoned R-1 and are situated within the RGB/SSA. Planning Commission reviewed this request and recommended on a four-to-three vote that Council not approve this rezoning request. Mr. Holdren advised that Council should first consider endorsing the developer's filing of a Development of Regional Impact (DRI) application with the Centre Region Council of Governments (CRCOG). If the DRI is approved by the CRCOG General Forum, then Council could begin the process of holding public hearings and moving ahead with potentially adopting a rezoning ordinance. A 2010 rezoning request for 149 acres of the Everhart

property was submitted to College Township, the balance of the property being located in Harris Township. Council denied this 2010 request, and advised the property owners that a smaller rezoning request would be looked upon much more favorably.

Mr. Holdren described 1) the dwelling unit densities under Agriculture (one dwelling unit per acre) and Single-family Residential zoning (3.3 to 5.6 dwelling units per acre, but typically developed at 2.2 per acre); 2) the Ag District, which requires that development be limited to only 35% of the tract, where single-family homes can be clustered following R-1 regulations; 3) the Centre Region vacant land inventory of single-family-capable land; and 4) projected growth in the Centre Region. Mr. Holdren stated that, although this land does not need to be rezoned now, College Township needs to think about how much R-1 land will be needed in the future.

Mr. Adam Brumbaugh, Township Manager, offered staff's support of this rezoning request in correspondence to Council, dated August 3, 2014, for the following reasons.

- The property is immediately adjacent to the existing growth boundary.
- The property fronts, and is served by, a recently improved arterial road.
- It is located near existing CATA bus route(s).
- The property is bifurcated by an existing State College Borough Water Authority (SCBWA) water main transmission line.
- The rezoning request is for 63.47 acres of a larger, 156.91-acre tract zoned Agriculture.
- The property lies less than 1.5 miles from the traditional theoretical center of the Centre Region, College Avenue and Allen Street.
- It is located less than one mile away from the College Township South Atherton Street commercial corridor (Hills Plaza and Southridge Plaza).

Mr. Brumbaugh clarified for the audience that the RGB has only been around since 2000 and was updated in 2006, as per Act 537. An associated Implementation Agreement was designed to accommodate changing conditions in the Centre Region to allow for modification; and the language of that Implementation Agreement was updated in 2013, not the RGB itself.

Mr. Richard Barbrow, Wildot Drive, Everhart Village, expressed concern over the extension of the RGB.

Mr. Dennis Schmidt, Ronan Drive, stated that the Everhart rezoning report was not available to the public in a timely way; residents were not informed of this Council meeting, except via the Township website; there was bias in the presentation, as the report only offered reasons to support the rezoning; points made by the public were not in the report (such as traffic, RGB, loss of farmland, and lack of need for R-1 land); damage to property values; and impacts to 47 Everhart Village families.

Mr. David Mortensen, Ronan Drive, Everhart Village, opposed the rezoning and the expansion of RGB, questioned the planning process, expressed concern over the loss of agricultural land, and adjacent lands in Ag Security Area. Mr. Mortensen requested that Council members exercise careful planning and think about how the landscape will look in the future.

Ms. Virginia Belser, Ronan Drive, opposed the rezoning request based on insufficient sewage capacity, soils and property values being negatively impacted, and the increase in traffic. Ms. Belser added that continued development of Ag activities should be encouraged.

Mr. Jack Jenkins, Horizon Drive, noted that there is no egress on the one side of the Everhart property and a disguised egress on the other side. Mr. Jenkins recommended that Council look at the RGB, as well as the traffic controls that would be needed.

Mr. Mark Toretti, Penn Terra Engineering, representing the property owners, stated that this request is about a family who does not want to farm the property anymore. The property has been for sale under Ag Conservation for four years, and nothing has happened. Although a low-density development in the Ag zone may be the best use, Mr. Toretti stated that no buyers have come forward under Ag Conservation criteria and added that suburban sprawl is prevented by developing this site.

Mr. Robert Edwards, Kennedy Street, Everhart Village, suggested that Council think about what this rezoning request is about and to think carefully before providing remedy to the sellers' situation and market conditions. Mr. Edwards reminded Council that there is no need to rezone this property at this time and emphasized farmland preservation.

Vice-Chair Shoemaker asked Council for their preference, and the consensus was to table this request.

Mr. Herman moved to table the Everhart Rezoning Request.

Mr. Francke seconded the motion.

Ms. Stilson suggested evaluating where the line would fall if developing the maximum 35% under Ag zoning and working that line wisely around site hydrology.

Vice-Chair Shoemaker directed staff to notify residents when this returns to Council.

Motion carried unanimously.

Vice-Chair Shoemaker brought NB-5, COG Program Plan, forward for the convenience of those in attendance.

NB-5 COG Proposed 2015 Program Plan; Review and Comment

Council reviewed the Centre Region Council of Governments (CRCOG) *Proposed 2015 Program Plan* and forwarded the following comments to the CRCOG Executive Director.

1. Council supported funding for reconfiguring & refurbishing the Executive Director's office. However, it was recommended that the Finance Committee also be provided with the detail of the cost of the reconfiguration of the physical space.
 - a. It was further noted that the "Should's" and "Note's" identified within the Executive Summary of the Program Plan should reflect more complete project budget information and indicate how the item will be paid, i.e., agency (for example, Code), increase to municipality, grant(s), budget offsets, etc.
2. College Township does not support the creation of a Deputy Code Director position at this time and suggests that, rather than the Director being required to make numerous field decisions and detract from in-office responsibilities, Code Agency processes be improved to provide consistency in matters of interpretation between plan examiners and field inspectors. Council members agreed that they would rather see more inspectors hired than creating the Deputy Director position.
3. Council cautiously supported a proposed permit cost reduction for manufactured homes provided that there is an appropriate way to recoup any unforeseen added inspection costs of such units.
4. Council did not support the creation of an Energy Conservation Coordinator position within CRPA. Before this position should be considered, a much more substantive plan should be in place detailing functions of the position and the goals and objectives of this proposed program. Nevertheless, Council does support municipal and COG implementations of energy conservation measures.
5. Council was supportive of the Parks and Recreation equipment acquisitions listed in the Program Plan and captured in the COG Capital Improvement Plan provided that there is a "functional" need. Council is distinguishing a functional need from simply a "full depreciation" of the asset in question. In other words, if a piece of equipment continues to perform well even though it is at or past its pre-determined useful life, good judgment should be used in determining if a replacement can be delayed.
6. Of the two Hess Field driveway reconfiguration options, Council favors Option 2, the widening and re-profile of the existing entrance to Hess Field. Nevertheless, it was suggested that Harris Township provide additional funding over-and-above their COG regional cost share to complete this work.
 - a. Note that College Township has provided additional funding beyond its COG regional share obligations for important site and recreational components related to the construction of Oak Hall Regional Park.

In addition to the comments above, there are two additional suggestions from staff related to preparation of the detailed COG budget:

1. Staff believes it is important that the Finance Committee receive, prior to the discussions on the detailed budgets, a separate document that compares actual 2013 results with the 2013 budget for each fund and that differences in budgeted and actual fund balances at 1/1/14 be explained where differences are material.
2. Staff also believes it is important that the detailed budget include a separate schedule that itemizes any material changes in 1) allocations of costs between funds; and 2) charges from one fund to another for administration or other costs.

The balance of the Program Plan was generally supported by College Township Council.

Mr. Baker reported that, although no road improvements were currently planned, the Oak Hall Park road was in bad shape due to erosion.

NB-3 Mt. Nittany Manor Rezoning Request; Discussion

Council took action to table this item, as no representatives were present to speak to the rezoning request.

Ms. Stilson moved to table the Mt. Nittany Manor rezoning request.

Mr. Francke seconded the motion.

Motion carried unanimously.

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

This agenda item was tabled due to time constraints and will return to the next Council meeting.

STAFF AND ABC INFORMATIVES:

No items were pulled for discussion.

COUNCIL/STAFF OTHER MATTERS:

Mr. Brumbaugh reported that the University Area Joint Authority (UAJA) will be hosting an early evening tour on August 20th from 6:00 PM to 7:30 PM at their Spring Creek Pollution Control Facility (SCPCF) located at 1576 Spring Valley Road, followed by a brief informational meeting. The public is invited to attend to learn about the comprehensive odor

control study being undertaken by the UAJA. Staff will have a presence at this event and will notify interested residents of these details.

COMMITTEE REPORTS:

Human Resources Committee, August 6, 2014: Mr. Herman reported that the Human Resources Committee 1) received an update on the COG Employee Relations Committee's current and future activities; 2) reviewed the draft *2015 Employee Relations Budget* and the draft *2015 Employee Wellness Program Budget*; 3) reviewed and offered modifications to the new Human Resources Officer job description; 4) approved the reclassification from "Head of Circulation" to "Head of Patron Services" for the Schlow Centre Region Library; and approved the 2009 Compensation Plan.

ADJOURNMENT:

Mr. Francke moved to adjourn the August 7, 2014, Regular Council Meeting.

Ms. Shoemaker seconded the motion.

Motion carried unanimously.

Vice-Chair Shoemaker adjourned the August 7, 2014, Regular Meeting of the College Township Council at 10:45 PM.

Respectfully submitted,

Adam T. Brumbaugh
Township Manager/Secretary