

**COLLEGE TOWNSHIP REGULAR
COUNCIL MEETING MINUTES
Thursday, September 1, 2011**

ATTENDED BY -

COUNCIL: Mary C. Shoemaker, Chair
David P. Fryer, Vice-Chair
Daniel D. Klees
Forrest J. Remick, Ph.D.
David W. Koll

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Robert T. Long, Jr., Finance Director
John J. Franek, Jr., Zoning Officer
Mark Holdren, CRPA Sr. Planner
Mary E. Wilson, Asst. Township Secretary

ABSENT: Kent N. Baker, Township Engineer

CALL TO ORDER

Chair Shoemaker called to order the September 1, 2011, Regular Meeting of the College Township Council at 7:13 p.m. following an Appeals Hearing and two public hearings.

ANNOUNCEMENTS:

Chair Shoemaker announced that Council held executive sessions on August 22, 2011, and just prior to this meeting of September 1, 2011, for the purpose of discussing an Appeals Hearing case.

OPEN DISCUSSION:

1. Mr. George Dickie, 242 W. Whitehall Road, spoke on behalf of a group of individuals concerned over a student housing development project known as The Retreat being proposed for a site on Waupelani Drive. Mr. Dickie stated that he felt the Township did not follow proper procedure in its recent rezoning of the proposed property to Planned Residential District (PRD) by not holding a hearing between staff and the public to allow the public to voice its opinion. Mr. Dickie requested an explanation as to why the public was not given an opportunity to speak and why the Township did not follow the Municipalities Planning Code (MPC) procedures.

Mr. Franek, Zoning Officer, explained that a public hearing would be held for the plan itself adding that there would actually be multiple hearing opportunities as Council reviews a submitted PRD plan on this project. The public hearing requirement noted in the MPC was specifically for any PRD plan itself and not for the ordinance that was recently adopted that changed the zoning.

Mr. Klees directed staff to respond in writing to Mr. Dickie's prior written correspondence.

2. Mr. S. Nearhoof, speaking for a family member who resides near the proposed development on Waupelani Drive, expressed opposition to the development based on the high density and its being an inappropriate location for such a project. Mr. Nearhoof suggested that Council look at the developer's website.
3. Ms. S. Smith addressed Council on two matters:
 - a. the Lemont Village Association (LVA) would be holding its gourmet dinner on September 17, 2011; and
 - b. the Affordable Housing Coalition (AHC) would be conducting a "Yes, In My Backyard" workshop on September 21, 2011, and Ms. Shoemaker would be speaker. The AHC will be holding its summit on November 3, 2011.
4. Ms. Terrie Henrickson, 354 Creekside Drive, requested that Council reconsider its annual contract for services with the State College Borough Police Department based on the officers not performing in an unbiased, respectful manner when handling alleged criminal matters.

Chair Shoemaker brought forward on the agenda Item OB-1, C11-01 – McShea Code Administration Appeals Hearing Decision.

OLD BUSINESS:

OB-1 Appeals Hearing Case C11-01; McShea Code Administration Appeals Hearing Decision on Tax Parcel 19-008-108

Council opened Appeals Hearing Case C11-01 on Tax Parcel 19-008-108, 2062 E. College Avenue, on August 4, 2011, continued it to this date, where it was formally closed. The property owner was appealing the decision of the Centre Region Building and Housing Code Board of Appeals to College Township Council relative to the ceiling height of two second-floor dwelling units being below the minimum height requirement.

Dr. Remick moved that Council conclude that the Centre Region Building and Housing Code Board of Appeals correctly applied the applicable codes, which provide that the failure to maintain a continuous rental permit requires the property to meet the current Code requirements; in this instance, a minimum eighty-four-inch (84") ceiling

height. Therefore, Council affirms the Code Board of Appeals' decision.
Mr. Fryer seconded the motion.
Motion carried unanimously.

MANAGER'S UPDATE:

Mr. Brumbaugh presented the September 1, 2011, Manager's Update, highlighting that the occupancy permit was soon to be issued on the County Inn and Suites. The main driveway into the hotel property remains blocked off, and all traffic will use Millbrook Way.

Mr. Brumbaugh subsequently updated Council on the South Ridge Plan, reporting that the contractor for the signal work is now mobilized. Regarding the turnback of the existing West Branch Road, Mr. Brumbaugh reported that the paving and shoulder work is complete, and the road should be opened next week.

Dr. Remick requested an update on the Mt. Nittany Elementary School signal on Brandywine Drive, and Mr. Brumbaugh advised that, beyond the Notice To Proceed, he had nothing further to report.

Mr. Klees inquired into College Township's level of liability should someone move the cones blocking off the Country Inn and Suites Hotel driveway, and Mr. Brumbaugh replied that he would find out and report back.

CONSENT AGENDA:

- CA-1 Minutes:** Aug. 18, 2011, Regular Council Meeting
- CA-2 Correspondence:**
- /1: Letter from Mr. S. Nearhoof, rec'd Aug. 22, 2011, opposing proposed Landmark Properties Student Development.
 - /2: Email from D. Griffin, dtd Aug. 23, 2011, regarding vapor intrusion issues at Ruetgers.
 - /3: Letter from Mr. A. Kervandjian, dtd Aug. 22, 2011, requesting a Letter of Support for 234 Limerock Court – Affordable Housing Project.
 - /4: Letter from Barbara and Charles Snow, dtd Aug. 27, 2011, Re: Tree located at 870 Walnut Spring Lane.
- CA-3 Report:** Finance Director's
- CA-4 Resolutions:**
- a. R-11-15; 'Stop' Signage on Henzsey St.
 - b. R-11-16; 'Stop' Signage on Berry Alley
 - c. R-11-17; False Alarm Fees Amendment
 - d. R-11-18; Tax Fee Amendment
 - e. R-11-19, Speed Limit; Berry Alley

Council pulled Consent Agenda item CA-4e. for discussion.

**Dr. Remick moved to approve the September 1, 2011 Consent Agenda, minus item CA-4e.
Mr. Klees seconded the motion.
Motion carried unanimously.**

CA-4e: Dr. Remick commented on the Berry Alley speed limits, suggesting that the 15 miles per hour limit being set is too low and would only cause drivers to violate that established speed limit.

Mr. Brumbaugh advised Council that speed data was collected on the Alley prior to determining the speed limit that should be set, and that data revealed that the eightieth percentile (80%) of all traffic monitored was 18 miles per hour. This justified the 15 miles per hour speed limit.

**Dr. Remick moved to accept Consent Agenda item CA-4e.
Mr. Klees seconded the motion.
Motion carried unanimously.**

Mr. Fryer requested that the Township crews trim some of the trees below the school zone on Elmwood Street, and the Township Manager agreed to address that situation.

OLD BUSINESS: (Cont'd)

OB-2 Ordinance O-11-05, Signs Ordinance Amendment; Adoption of

Council held a duly advertised public hearing on this date on Ordinance O-11-05, Signs Ordinance Amendment, and received an overview of the ordinance before taking action.

Mr. Mark Holdren, CRPA Sr. Planner, described the intent of Ordinance O-11-05 as amending the Code of College Township, Chapter 170, Signs, to create two new sign types; namely, Drive-through Menu Boards and Electronic/Digital Signs and their accompanying definitions. This will be done through proper exercise of the municipality's authority to regulate size, location, illumination, alteration, and maintenance of signs, which will reduce visual blight and hazardous, distractive conditions that could be created by unchecked proliferation of signs in the Township.

Chair Shoemaker opposed this ordinance based on the distracting nature of the electronic signs.

**Mr. Fryer moved to adopt Ordinance O-11-05, Signs Ordinance Amendment.
Dr. Remick seconded the motion.
Motion carried 4- 1 (Shoemaker voting nay).**

OB-3 Ordinance O-11-06; Building and Construction Code

Council held a duly advertised public hearing on this date on Ordinance O-11-06, Building and Construction Code, and received an overview of the ordinance before taking action.

Mr. Mark Holdren, CRPA Sr. Planner, described the intent of Ordinance O-11-06 as amending the Code of College Township by deleting Article 11, Adoption of Standards, and Article III, Code Amendments, Deletions, and Alterations, of Chapter 82 and replacing said articles with new regulations, which include the Pennsylvania Construction Code Act and the Uniform Construction Code of Pennsylvania. Mr. Holdren replied to a Council inquiry advising that the Bryce Jordan Center electronic sign would remain nonconforming.

Mr. Klees moved to adopt Ordinance O-11-06, Building and Construction Code.

Mr. Fryer seconded the motion.

Motion carried unanimously.

NEW BUSINESS:

NB-1 Mt. Nittany Medical Center

a. Deed of Dedication for Right-Turn Lane

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Mr. Brumbaugh explained that, in written correspondence to Council from Mr. K. Baker, dated August 24, 2011, Mr. Baker advised that, as part of the Park Avenue Widening Project, a right-turn lane from Park Avenue onto Hospital Drive had been constructed. The Pennsylvania State University provided a Deed of Dedication for the additional right-of-way for this turn lane.

Mr. Klees moved to accept the Deed of Dedication from The Pennsylvania State University for 1,483 square feet of right-of-way for a right-turn lane from Park Avenue onto Hospital Drive.

Dr. Remick seconded the motion.

Motion carried unanimously.

b. Quit Claim Old Deeds

In the same correspondence, Mr. Baker, advised that The Pennsylvania State University discovered a Deed of Dedication for Hospital Drive from 1970 that was to be used as a temporary access before Park Avenue was extended. That right-of-way was never used. The University requested that College Township Quit Claim back to The Pennsylvania State University this unused right-of-way.

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Mr. Klees moved to approve the Quit Claim Deed from the College Township Supervisors, now known as the College Township Council, to The Pennsylvania State University for an unused right-of-way designated as Access Road of the Mountain View Branch of Centre Community Hospital deeded to College Township on September 30, 1970, and recorded in Centre County Deed Book 319, Page 796, and to authorize the Manager to sign this Quit Claim Deed.

Mr. Fryer seconded the motion.

Motion carried unanimously.

Chair Shoemaker reported that there seemed to be a problem with the painted double-yellow lines that were preventing drivers on Park Avenue from trying to move to the center to turn left onto Orchard Road. Mr. Brumbaugh advised that staff would take a look at this and take any actions necessary to remedy.

NB-2 COG 2012 Library Funding; Discussion

Chair Shoemaker introduced Ms. Cathy Alloway, Schlow Centre Region Library Director, and Ms. Mary Ann Miller, College Township representative to the Schlow Centre Region Library Board.

Mr. Brumbaugh, Township Manager, stated that the Centre Region Council of Governments' General Forum Meeting of August 22, 2011, forwarded to the participating municipalities the COG 2012 Library Funding in conjunction with Ferguson Township's recently proposed Memorandum of Understanding. This Memorandum of Understanding would provide Schlow Library funding in a set amount and presented Ferguson Township's request that COG budget documents no longer reflect Ferguson Township as a component of the Schlow Library funding formula.

Ms. Alloway clarified for Council the state rules that the Library operates under, further clarifying that if a municipality pays at least fifteen percent of the municipal contributions to the Library, that municipality is entitled to a place on the Library Board.

Council deliberated as to whether or not Ferguson Township should be permitted a place on the Library Board if they do not agree to sign the Letters of Agreement, even though they have been contributing their fifteen percent. Council viewed Ferguson Township' not fully participating as a response to a prior conflict over how to count Penn State University students who use the Library.

Ms. Alloway explained that the other COG formulas do not include students, and the COG members wanted all of the COG formulas to be consistent. Ms. Alloway added that the County gave the Library \$159,500, which covers the six percent (6%) of the Library users who do not live in the COG municipalities.

Chair Shoemaker stressed the need to hold the limit on increases in taxes and increases in municipal funding that is not set by the Township, adding that the COG should find ways that are economical and that maximize the dollars spent for the residents and the Library.

Mr. Klees proposed, that if Ferguson Township's 2012 contribution was equal to the 2011 contribution, the other COG municipalities consider holding their contributions to the same level. Increasing the other four formula-based assessments to make up for a non-formula contribution would create inequity and make the formula invalid.

Ms. Alloway reported that the next Library budget would reflect a two percent (2%) increase to municipalities even though the overall budget will increase 2.8 percent. It is anticipated that the difference will be made up with fundraising and will cover personnel and building maintenance. The next Library Board Meeting will be held on September 14th, and it was hoped that Ferguson Township would give a report at that meeting.

Mr. Fryer stated that he would not support agreeing to any specific 2012 Library budget amount until it is known what Ferguson Township will be committing to the Library.

Mr. Klees advised those present that he was gravely concerned about the track that the COG formula was taking. If Ferguson Township gives less than their share, it thereby forces the other municipalities to make up Ferguson Township's share.

NB-3 Code Software Acquisition; Discussion

Mr. Brumbaugh, Township Manager, brought forward at the table a memorandum from Mr. J. Steff, COG Executive Director. Based on the nature of the information in the memorandum, Mr. Brumbaugh withdrew this item from Council's agenda pending a review of a possible solution to the municipalities not agreeing on one single software package. Mr. Brumbaugh stressed that it was in the best interest of all of the COG municipalities to work off the same platform. This matter will return to Council at a future date.

Dr. Schneider, Centre Region Code Administration Director, concurred with Mr. Brumbaugh and added that the Code Office was hopeful of being the repository for the software.

STAFF AND ABC INFORMATIVES:

No significant Council comments on Staff and ABC Informatives were forthcoming.

OTHER MATTERS:

1. Messrs. Brumbaugh and Long requested that the 2012 College Township Capital Improvement Program (CIP) review schedule process be set. Council expressed a preference for holding a separate workshop meeting for this review. Staff will identify a date and time and advise.

2. Chair Shoemaker directed staff to add the Centre County Association of Township Officials' Bylaws to the next Council meeting agenda.
3. Mr. Brumbaugh requested Council's comments relative to a request from developer Mr. A. Kervandjian for a proposed affordable housing project being considered. Council directed staff to send a letter supporting the concept of affordable housing but not to express support of any specific developer or program.

COMMITTEE REPORTS:

None to report.

ADJOURNMENT:

**Mr. Fryer moved to adjourn the September 1, 2011,
Regular College Township Council Meeting.
Mr. Klees seconded the motion.
Motion carried unanimously.**

Chair Shoemaker adjourned the September 1, 2011, Regular Council Meeting at 8:46 p.m.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary