

**COLLEGE TOWNSHIP REGULAR
COUNCIL MEETING MINUTES
Thursday, September 5, 2013**

ATTENDED BY:

COUNCIL: David P. Fryer, Chair
David W. Koll, Vice-Chair
Mary C. Shoemaker
L. Eric Bernier
D. Richard Francke

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

CALL TO ORDER

Chair Fryer called to order the September 5, 2013, College Township Council Regular Meeting at 7:00 PM followed by the Pledge of Allegiance.

OPEN DISCUSSION:

Mr. Pat Vernon, 585 Walnut Spring Lane, State College, suggested that Council seek out a citizens advisory committee (CAC) on zoning to help address the township zoning ordinances and another CAC be formed on stormwater management.

Chair Fryer stated that this may be placed on a future Council meeting agenda.

PLANS:

**P-1 Centre LifeLink EMS Parking Expansion Preliminary/Final Land Development;
Tax Parcel 19-003-100-0000**

Mr. Mark Torretti, Penn Terra Engineering, introduced Messrs. Scott Rawson, Centre LifeLink, and Tommy Songer, Torron Group, before presenting the Centre LifeLink EMS Parking Expansion Preliminary/Final Land Development Plan. The 4.9-acre parcel is located

at 125 Puddintown Road and is zoned Gateway Commercial. In better accommodating the parking needs of its professional and resident training classes, Centre LifeLink is proposing to expand its parking area with the addition of 26 parking stalls along existing drive aisles. Sidewalk access from the new parking areas is proposed in order to keep pedestrians out of the driveway area utilized by ambulances; and waivers were requested to provide sidewalk access along the Puddintown Road frontage and the E. College Avenue frontage.

Council requested that the developer clarify note 12 on the plan to clearly define who would build the sidewalk once the adjacent property is developed. Mr. Torretti replied that the lease holder, currently Centre LifeLink, would build the sidewalk, and the note on the plan will be so revised.

Mr. Koll moved to approve the Centre LifeLink EMS Preliminary/Final Land Development Plan, dated July 22, 2013, and revised August 6, 2013, with the following conditions:

- 1. Pay all outstanding plan review fees;**
- 2. Obtain all required signatures on the plan; and**
- 3. Clarify note 12 to indicate that the lessee would build the sidewalk.**

Ms. Shoemaker seconded the motion.

Motion carried unanimously.

Chair Fryer moved forward agenda item OB-1, Hilltop Rezoning, for the convenience of those in attendance.

OLD BUSINESS:

OB-1 Hilltop Rezoning; Discussion

Mr. Mark Holdren, CRPA Sr. Planner, reported that College Township was in receipt of a request to rezone the former Hilltop Mobile Home Park and adjacent Hendricks properties to a mix of R-1, R-2, and R-3. On June 25, 2013, Council denied this rezoning on a 4 to 1 vote (Dr. Remick voting nay). Council then remanded to Planning Commission the review of staff's suggested Option 6 of the Hilltop-Hendricks rezoning request report, including R-1, R-2, and Gateway Commercial Zoning Districts for Planning Commission's recommendation back to Council. Mr. Holdren offered a presentation on development potential of these based upon rezoning scenarios identified as Scenario 3A with development potential of 300; Scenario 3B with development potential of 296; and Scenario 4 with development potential of 251.

- Scenario 3A would propose to have the zoning boundary placed in a manner that the overall density is increased by no more than 50 dwelling units above what could be developed under existing zoning.

- Scenario 3B would allow for an increase in development potential beyond what is currently permitted; however, the R-1/R-2 zoning boundary line is drawn perpendicular to Squirrel Drive following the center line of Mobile Avenue.
- Scenario 4 would reflect a rezoning that would not increase the development potential of the site beyond what current zoning allows. The difference lies in the permitted uses allowing single-family homes, duplexes, townhomes, as well as places of assembly and schools.

Two additional adjacent properties were recommended by staff and included in the staff evaluation; namely, the Koval property containing one single-family home and the Barn Brewing property. Mr. Holdren reported that the number of potential dwellings of the Mitchell Farm, Hilltop, and Hendricks properties combined is still less than that reviewed under the report.

Mr. Holdren referenced the Township-initiated Trans Associates traffic study report of May 1, 2013, which indicated that Oak Ridge Avenue could accommodate the anticipated fifteen percent (15%) increase in traffic as a result of a rezoning. However, Mr. Holdren added that a more detailed traffic impact study would be required at the time of development, which would be at the expense of the developer, to determine what mitigation measures might be needed. Mr. Holdren requested that Council review the scenarios presented and, if choosing to move ahead with a rezoning, choose a scenario to move to public hearing.

In response to Council's inquiries, Mr. Holdren confirmed that the adjacent Barn Brewing Company has been made aware of this rezoning request and that developers having secured a rezoning on a parcel then have the right to build whatever meets the new zoning criteria. Mr. Holdren added that the proposed Scenario 4 was chosen by the College Township Planning Commission due to its offering the least density and could offer some protection to Oak Ridge Avenue and Shamrock Avenue residents.

Chair Fryer advised that College Township has been reviewing this parcel for about eleven months and have a consensus that it should be rezoned and not left vacant. Although his personal preference would be for all R-1, single-family homes, he could support the recommended Scenario 4, a mix of R-1 and R-2.

Chair Fryer called for initial comments from Council members before opening the floor to the public.

Mr. Bernier stated that he was uncomfortable with the lack of consensus between the Planning Commission (PC) and staff and supported taking time to get that consistency of support. Mr. Bernier expressed some concern with the constant reference to the Centre Region Comprehensive Plan; was uncomfortable with the lack of consensus between the PC and staff; and stressed the need to get this right.

Ms. Shoemaker expressed difficulty with separating the human tragedy of the loss of housing of the former residents of the mobile home park from the rezoning discussion and how to select a new zoning designation that would offer some positive impacts to the area. Ms.

Shoemaker agreed that it is time to move this forward but wanted some beneficial ideas on that to come forward.

Public comments:

Mr. Bob Ceschini, 1230 Shamrock Avenue, expressed concern about the possibility of the Hilltop property being developed under Planned Residential Development (PRD) criteria, as staff confirmed that this could allow for an increased density and commercial uses.

Mr. Russ Graham, 864 Shamrock Avenue, expressed like concern about a PRD development but was even more concerned about traffic impacts and the Trans Associates' traffic study not addressing the possibility of increased accidents involving pedestrians. Mr. Graham recommended that a risk assessment study be undertaken.

Mr. Matt Parkinson, 1034 Shamrock Avenue, voiced concern about the traffic study and its exclusion of safety and believed that some of the assumptions used are incorrect, which would affect conclusions. Mr. Parkinson concluded that there are currently 2,000 trips per day, and safety is of fundamental concern and should not be put off to a second traffic study.

Mr. Baker, Township Engineer, explained that the Trans Associates traffic study was based upon the initial request for rezoning, as opposed to what is being brought forward now by residents. A traffic study does not measure safety; it measures projected traffic flows. The more in-depth traffic study, performed during a proposed land development review, would take that into account. Mr. Baker added that the Township has never done a risk assessment during a land development review.

Mr. Brumbaugh, Township Manager, reiterated that College Township requires a developer to provide a traffic study during the land development phase. The study currently in hand was initiated by College Township to capture basic information and is not an official traffic study. It offered a baseline, an attempt to have some fundamental information on which to make logical decisions. A more comprehensive study would be done by the developer and would be at the developer's expense.

Mr. Rodney Hendricks, Mitchell Farm Lane, stated that he is one of the property owners of land being considered in this rezoning request. Mr. Hendricks urged Council to consider taking the Gateway Commercial up to Pennsylvania Avenue, which would allow for lot consolidations.

Ms. Robin Cooke, 988 Shamrock Avenue, requested lower density on the parcels being considered for the Hilltop area rezoning.

Ms. Laura Contino, 1140 Shamrock Avenue, questioned the rezoning process transparency; the timeline set for decision making; and the data used to determine the need for higher density housing, especially student housing. Ms. Contino reminded Council that the Comprehensive Plan policies recommend protecting established, single-family neighborhoods

and recommended public meetings be scheduled for residents to discuss the impending rezoning issue.

Ms. Kathleen Kuhns, 942 Shamrock Avenue, supported Planning Commission's recommendation of Scenario 4, adding that it might be better to add more commercial and have it further into the parcel, and noted that the Planned Residential Development ordinance had not been amended since 1987. She suggested that this ordinance be revisited and that at least one zoning district in the Township prohibit PRDs altogether.

Mr. Holdren and Mr. Baker explained that a developer could propose a PRD for R-1- and R-2-zoned parcels. A PRD is a lengthy rezoning process that gives Council the ability to place additional conditions on a plan beyond the requirements for the zoning district in which the parcel is situated in exchange for some consideration relative to items such as density, lot size, types of dwelling units allowed, and required open space. If a developer agrees to the extra conditions set by Council, Council must approve the proposed PRD plan. In 17 years, only two PRDs have been submitted.

Council asked staff why a prior option with Gateway-Commercial zoning was removed from the table; and staff replied that, at the time, Council felt the retail allowed generated more traffic compared to the residential portion proposed and the allowed R-3 residential density.

Mr. David Porter, 1216 Cottonwood Drive, opposed student housing being considered for the Hilltop area; suggested that Council go speak with adjacent residents to the The Retreat at State College about that development; and stated that affordable housing is what is needed, as the Comprehensive Plan calls for.

Ms. Carmen Chatterley, 860 Oak Ridge Avenue, stated that in the two plus years of living on Oak Ridge Avenue, the Hilltop Mobile Home Park was never at full capacity. As a result, any rezoning will, to her household, result in an increase in density. She, therefore, would prefer rezoning to reflect R-1 only dwellings.

Mr. Greg Johnson, 1240 Shamrock Avenue, stated that he spoke with Mr. Bob Jacobs, Centre County Planning Office, and there is a lot of confusion about the Comprehensive Plan and suggested an informal exchange of ideas regarding the Hilltop area.

Ms. Linda Kelley, 1216 Cottonwood Drive, opposed student housing in their neighborhood based on quality of life concerns and recounted experiences of retaliation against neighbors who would complain about disruptive nearby student residents.

Ms. Mitzi Souchak, 1160 Shamrock Avenue, asked if an R-1 only plan would preclude student housing; and Mr. Holdren replied that, under a PRD plan, student housing could still be planned, as is The Retreat at State College on Waupelani Drive.

Mr. Pat Vernon, 585 Walnut Spring Lane, noted that there is no law requiring Council to rezone this parcel nor can they rezone based on financial gain or loss. Mr. Vernon opposed the rezoning being considered; suggested that Council not vote on this tonight but, instead,

take the time and think outside the box via a general forum about ways to bring traffic in and out of the area and recommended that the Township rewrite the Township's zoning ordinance to avoid conflicts of interest and to fix the commercial area in the Gateway Commercial District.

Ms. Dana Mitra, 894 Walnut Spring Lane, supported the process being slowed down; preferred the community being involved expressed concern for the wellbeing of the Thompson Woods Preserve should higher-density housing be erected; and suggested a Habitat for Humanity section be included in answer to the need for lower-income housing.

Ms. Christine Novinskie Olbrich, 421 Squirrel Drive, supported a single-families-only neighborhood; expressed concern about current and future traffic problems; and supported taking the time needed in reviewing this rezoning.

Mr. Pat Vernon added that the Centre Region Comprehensive Plan 2000 stresses planning being in step with the University, adding that the University has not had any enrollment growth, requiring no additional student rentals.

Mr. Brumbaugh, Township Manager, explained that Council has the option of moving forward or not with this process. If moving forward, they would choose an option, one of the three presented scenarios, to consider examining more closely by way of setting a date for a public hearing. Any vote following a public hearing could result in a rezoning, but no vote could be taken this evening on a rezoning.

Mr. Koll supported moving forward with Scenario #4, the option that does not increase density, and felt that residents generally did not seem to be willing to support anything that may be proposed for this site.

Ms. Andrea Albert, 1205 Cottonwood Drive, described the passion residents feel for their neighborhood and invited Council to visit her property to see their area through residents' eyes.

Ms. Shoemaker stated that Council can only do so much about zoning. The developer proposes a plan that fits in with the designated zoning. Ms. Shoemaker added that she had not considered taking some of E. College Avenue and changing the zoning from there.

Mr. Bernier felt that moving to a public hearing was not a productive use of time and that the process should be slowed down for the sake of engaging and educating the public and gaining the support of the staff and Planning Commission.

Mr. Francke stated that this rezoning was no longer about Trinitas and their proposed student housing development, as Trinitas's rezoning request was previously denied. However, he advised that, under the current zoning designated for the Hilltop property, a developer could propose a student housing mobile home park. Mr. Francke described the Pike Street Streetscape project, which is not the same as rezoning a portion of land. A rezoning is a planning tool that requires a formal procedure to be followed, which includes community

dialogue. PRDs can provide a benefit to the Township when conditioned with improvements that would typically be beyond the rezoning district criteria, such as the developer being made to offer road improvements off site. Mr. Francke stated that he respects the process but also respects a property owner's right to do things with his property.

Chair Fryer stated that this matter has been given more attention than any other matter in his 18 years on Council, and he would like to move this forward, recognizing that no matter what happens, it will cause impact, such as on police, fire, school, and sewer services.

Mr. Koll moved to set a public hearing on the rezoning of the Hilltop Mobile Home Park based on Scenario 4 presented by staff.

Chair Fryer seconded the motion.

Motion carried 3 – 2 (Bernier, Shoemaker voting nay).

Mr. Don Wagner, Shamrock Avenue, questioned how a designation for a rezoning could be voted on when one does not know what a plan would look like using Scenario 4; and Mr. Baker replied that it was illegal to rezone based upon the presentation of a plan. Council can utilize other tools to manage plans during the land development phases and using the regulations described in its ordinances. Council cannot zone for student housing, but can zone for housing type and densities.

Chair Fryer asked for a vote to set a date for the public hearing on Scenario 4.

Ms. Shoemaker moved to set a public hearing on Scenario 4 on the rezoning of the Hilltop Mobile Home Park for November 7, 2013.

Mr. Koll seconded the motion.

Motion carried 4 – 1 (Bernier voting nay).

Chair Fryer called for a brief recess at 9:12 PM to allow for audience members to depart the room. The meeting reconvened at 9:20 PM.

MANAGER'S UPDATE:

Mr. Adam Brumbaugh, Township Manager, presented the September 5, 2013, Manager's Update, highlighting an invitation to Council members to a CBICC event on Sept. 18.

CONSENT AGENDA:

CA-1 Minutes:

- a. Aug. 15, 2013, Regular Council Meeting
- b. Aug. 26, 2013, Special Meeting – CIP.

- CA-2 Correspondence:**
- /1: Letter from PennDOT to UAJA, dtd Aug. 13, 2013, regarding Chapter 94, Corrective Action Plan.
 - /2: Letter from Louis Glantz, Esq., dtd Aug. 20, 2013, regarding Independence Plan Storm Water Detention.
 - /3: Letter from Penn State University, dtd Aug. 21, 2013, re: DEP Plan Approval for Natural Gas-Fired Boilers.
 - /4: Letter from Comcast, dtd Aug. 27, 2013, Subj: Notification of Comcast Service Change.
 - /5: Letter from Mr. Don Boller, dtd Sept. 3, 2013, regarding Hilltop rezoning.
 - /6: Email from Richard Alley, dtd Sept. 5, 2013, regarding Hilltop rezoning.
- CA-3 Report:** Finance Director's
- CA-4 Bid Approval:** Anti-Skid Type 6S, to Glenn O. Hawbaker, Inc. at \$11.39 per ton for a total contract amount of \$5,695.00 based on 500 tons.
- CA-5 Resolution Approval:** R-13-20, Guenot Property Donation.

Ms. Shoemaker pulled Consent Agenda item CA-2/2 for discussion.

**Ms. Shoemaker moved to approve the September 5, 2013, Consent Agenda, minus item CA-2/2.
Mr. Bernier seconded the motion.
Motion carried unanimously.**

CA-2/2: Ms. Shoemaker asked whether or not the repairs to the sinkholes at Independence Place were started on time; and Mr. Brumbaugh replied that, although the repairs were not started on time, property owners were notified and work would start soon. Members of the homeowners' association will be meeting with staff to discuss and resolve this issue.

**Ms. Shoemaker moved to accept Correspondence CA-2/2.
Mr. Bernier seconded the motion.
Motion carried unanimously.**

NEW BUSINESS:

NB-1 Employee Group Disability and Life Insurance Program

Mr. Robert T. Long, Jr., Finance Director, reported that College Township currently offers its employees with a valuable plan covering life insurance (term), accidental death and dismemberment, and short-term disability benefits, which were budgeted in 2013 in an

amount of \$19,171. Due to changes in the industry, staff believed it was timely to obtain quotes and look at some alternative benefit amounts, benefit duration, and elimination periods. The quotes recommended that Council maintain the same design as the current term life insurance; add a long-term disability plan; increase the maximum weekly short-term disability benefit from \$500 to \$750; change the short-term disability elimination period from 0/7 to 14/14 days accident and illness, respectively; decrease the short-term disability maximum benefit period from 52 weeks to 26 weeks; provide employees the option of purchasing additional life insurance coverage at group rates on a voluntary basis, providing the minimum number of contracts is secured; and provide an Employee Assistance Plan as part of the STD/LTD coverage. Staff recommended that Council accept the quotes received from Madison National Life for group term life insurance and Kansas City Life for short-term and long-term disability coverage. The combined monthly premium will be lower than the current premium for current coverage.

Mr. Francke moved to authorize staff to accept quotes received from Madison National Life for group term life insurance and Kansas City Life for short- and long-term disability coverage for Township employees and authorize the Manager to execute all necessary documents to implement these coverages as soon as practicable.

Mr. Koll seconded the motion.

Motion carried unanimously.

NB-2 Resolution R-13-19; Proposed 2014 – 2018 Capital Improvement Program (CIP)

Resolution R-13-19, Proposed 2014 – 2018 Capital Improvement Program, a multi-year planning document, advises that projects listed in the 2014 capital budget year will be incorporated into the 2014 budget for further review and discussion before funds can be expended and that Council will not commit funds to the out-years projects until those projects are included and adopted in a future budget year.

Mr. Koll moved to approve Resolution R-13-19, Proposed 2014 - 2018 Capital Improvement Program.

Mr. Francke seconded the motion.

Motion carried unanimously.

STAFF AND ABC INFORMATIVES:

No comments were forthcoming.

OTHER MATTERS:

1. Mr. Bernier announced that there would be a walk through at the Oak Hall Regional Park at 4:00 PM on September 19, 2013.
2. Mr. Koll reported that he received another complaint about UAJA odors and asked if increased controls had yet been initiated. Mr. Brumbaugh reported that UAJA was working with a consulting firm and agreed to ask UAJA for an update.

COMMITTEE REPORTS:

Public Safety Committee: In preparation for next week's Code Committee meeting, Mr. Koll asked Council if it still held its original position relative to the State College Borough's consideration of withdrawing from Code Administration services. Mr. Brumbaugh stated that it had been College Township's position that College Township would not support any activity that would require changes to the articles of agreement. This matter will be on Council's September 19th meeting for discussion prior to the September General Forum meeting.

Public Services and Environmental Committee, September 4, 2013: Mr. Francke reported that a presentation given by UAJA Executive Director Cory Miller advised that Pennsylvania Fish and Boat Commission (PFBC), in its Fisheries Management Report on Slab Cabin Run, recommended that Slab Cabin Run be added to the Commission's Class A Wild Trout Waters List and be managed as such. PFBC recommended requesting Department of Environmental Protection designate Slab Cabin Run a high-quality cold water fishery, migratory fishes (HQ-CWF, MF). Such a designation change would require all non-discharge alternatives to be given preference over discharge alternatives and would require additional permitting requirements for the municipalities relative to MS4 stormwater management. The Committee placed this on its October agenda for further review and discussion.

The State College Borough Public Service Manager, Mr. Ed. Holmes, also had a very informative presentation on the Borough's organic waste program.

ADJOURNMENT:

Hearing no further matters for discussion, Chair Fryer adjourned the September 5, 2013, College Township Council Regular Meeting at 9:47 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary