

ATTENDANCE:

BOARD	Elliot Abrams, Chair Bryce Boyer, Vice-Chair Josh Troxell, Supervisor Walt Wise, Supervisor
STAFF	Doug Erickson, Township Manager Brent Brubaker, Township Engineer Pat Hubert, Assistant Township Engineer John Petrick, Chief of Police Kim Wyatt, Finance Director Joe Price, CRPA Senior Planner Betsy Dupuis, Solicitor
ABSENT	Jeff Luck, Supervisor Kimberly Fragola, Township Secretary
AUDIENCE	CNET Volunteers Mark Czajkowski – Patton Township Planning Commission Mark Mox – McIlvried, DiDano & Mox, LLC Christa Dick – McDonald's Glenn O. Hawbaker – Glenn O. Hawbaker Inc. Residents: Fred Haller, Fred Haller II, Scott Miller, Elaine Malin, Mike Damiano, Melissa Hicks, Asif Khatri

1. CALL TO ORDER

The July 21, 2010 Patton Township Board of Supervisors meeting held at the Patton Township Municipal Building, 100 Patton Plaza, State College, PA, was called to order at 7:00 PM by Chair Elliot Abrams.

2. APPROVAL OF MINUTES

The minutes of the May 26 and June 16, 2010 meetings were approved 4-0 on a motion by Mr. Troxell, seconded by Mr. Boyer.

3. PUBLIC COMMENTS

There were no public comments at this point in the meeting.

4. PUBLIC SAFETY

a. Police Update

Copies of the June 2010 Public Safety Report were distributed with the agenda. Chief Petrick noted DARE Graduations, training activities, Buckle Up and Aggressive Driving details, and a new loss prevention consortium.

4. **PUBLIC SAFETY (CONT'D)**

b. **Taser Review**

In July 2009 the Patton Township Board of Supervisors received a recommendation from the Ad Hoc Taser® Review Panel and adopted an Electro-Muscular Disruption (EMD/Taser®) Weapon Policy, Chief Petrick recalled. To date, he continued, there has been only one Taser® activation, for which all policies were followed. He added that on two other occasions Taser® were removed from the holster, which in both cases resulted in compliance.

5. **PUBLIC WORKS**

a. **Project Updates**

Mr. Erickson and Mr. Brubaker provided the following report:

2010 Street Overlays	Road Crew continuing curb replacements on N. Oak Lane, Cornwall Road and Norwood Lane
Circleville Park	Work is nearly complete for the final phase
Oak Wilt Mitigation	Two trees have been removed

b. **Request to Amend Sign Ordinance to Permit a Second Menu Board and Increase Size**

McDonald's Corporation has submitted a request for consideration of amending the Township's sign regulations to allow the installation of a second menu board and to increase the maximum size from 40 square feet to 45 square feet, Mr. Erickson told the Board. McDonald's, located at the intersection of North Atherton Street and Vairo Boulevard, wishes to add a second drive-thru ordering station at their store, he explained, with the second ordering station intended to alleviate the long drive-thru queue that often wraps around the store. Copies of the request letter and an exhibit illustrating the layout of the two ordering stations were distributed with the agenda.

McDonald's also requests consideration of increasing the maximum menu board size from 40 square feet to 45 square feet, Mr. Erickson added. The request letter states:

“The menu boards have also been redesigned to improve the readability of the products available. This is accomplished by utilizing more pictorial type menu items and to increase the lettering size of other items. These menu enhancements require that the menu board size be slightly increased to account for the additional space needed.”

Regulations regarding signs are not a subject of the Municipalities Planning Code (MPC), so the Board has some latitude in dealing with this request, Mr. Erickson reminded the Board. If the Board desires to further consider the issue, he went

5. **PUBLIC WORKS (CONT'D)**

b. **Request to Amend Sign Ordinance to Permit a Second Menu Board and Increase Size (Cont'd)**

on, the Board can deal with the matter entirely alone, or the matter can be referred to the Planning Commission or Sign Review Board for a recommendation, with any amendment to the sign regulations achieved by ordinance.

Mark Mox, representing McDonald's, explained that McDonald's is the frontrunner in drive-thru trends, and he presented data, history, and problems associated with the subject property. Mr. Mox noted in particular the ordering procedures, car lengths, and traffic issues specific to the location.

Board consensus was for staff to draft proposed amendments to the sign regulations for review by the Planning Commission and Sign Review Board.

6. **PLANNING AND ZONING**

a. **Planning Commission Report**

Planning Commission member Mark Czajkowski reviewed the Commission's discussion of the 1938 Waddle Road rezoning request and the Waddle Heights Townhomes. He also noted that the Commission reviewed the draft Bald Eagle Ridge Overlay District regulations and received many resident comments for consideration.

b. **Rezoning Request for 1938 Waddle Road: Parcels 18-13-63A & -63D**

In May of 2010, Mr. Erickson recalled, the Patton Township Board of Supervisors received a request from Hawbaker Office Center Partnership, LP to rezone two parcels with frontage along Waddle Road and Weaver Street in the Woodycrest neighborhood from Medium Density Residential (R-3) to Office Buffer District (OBD), the subject parcels being ID #18-13-63A and -63D and addressed as 1938 Waddle Road. At their May 26 meeting, the Board forwarded this request to the Planning Commission for further study and consideration, he continued, and subsequently, the CRPA planner prepared an analysis of the requested rezoning, copies of which were distributed with the agenda materials. The Planner's rezoning analysis and staff's conclusion favor rezoning from R-3 to OBC, and the Planning Commission voted 3 to 2 in favor of the proposed rezoning, Mr. Erickson reported.

If the Board wishes to proceed with further consideration of the proposed rezoning, Mr. Erickson advised, the following schedule is recommended:

6. PLANNING AND ZONING (CONT'D)

**b. Rezoning Request for 1938 Waddle Road: Parcels 18-13-63A & -63D
(Cont'd)**

- July 21: Authorize the advertising of a public hearing to be held during the next regularly scheduled meeting of the Supervisors on August 18, and request comments from the Centre Regional Planning Commission and the Centre County Planning Office.
- August 5: During its monthly meeting, the rezoning request and analysis are presented to the Centre Regional Planning Commission for review. Comments are forwarded to the Board of Supervisors for their consideration.
- August 18: The proposed rezoning is considered for adoption at a public hearing and Board of Supervisors meeting.

Township resident Scott Miller objected to the piecemeal commercial rezoning that he said is boxing in the neighborhood. He explained the feelings of Woodycrest residents regarding the circumstances surrounding the repeated rezoning requests and ongoing uncertainty. Referencing prior rezoning requests and petitions, he noted his hope that those steps will not again be necessary.

Township resident Melissa Hicks said she is dismayed to be discussing another rezoning request only one year after the last time when so many residents objected. She pointed out that the mentality of rezoning just one small property as not making a difference can over time and with repetition drastically alter the overall neighborhood.

Township resident Mike Damiano stated that he did not favor rezoning in the past and still does not want it now. He noted that once rezoned, there is no guarantee that a permitted use other than the proposed parking lot might be built in the future.

Dan Hawbaker, Glenn O. Hawbaker Inc., recalled the several neighborhood meetings held at the time the OBD Zoning District was created, and that residents viewed the new zoning as preferable to the student housing that is permitted under R-3 zoning. He pointed out his history of being a good neighbor. Mr. Hawbaker also explained that changes in the construction industry have allowed the development of new practices and growth for his company, which necessitates his rezoning request in order to maintain his corporate office personnel in a single location.

Mr. Wise noted his displeasure with losing even one affordable house and stated his belief that this rezoning will ultimately lead to more commercial rezoning at some point in the future.

6. **PLANNING AND ZONING (CONT'D)**

b. **Rezoning Request for 1938 Waddle Road: Parcels 18-13-63A & -63D (Cont'd)**

Mr. Boyer pointed out that Waddle Road has become quite heavily travelled, and the Waddle interchange is congested. He agreed that it is disappointing to lose any affordable housing, but he also said that this area is surrounded by commercial zoning and the likely best plan would be to rezone the whole strip along Waddle Road to OBD for useful, orderly development.

Mr. Troxell stated his preference for rezoning to OBD as a large section rather than incrementally.

Mr. Abrams asked if parking could somehow be permitted without rezoning. Mr. Erickson answered that it is a possibility, though an assessment of other affected properties and impacts would need to be completed. Mr. Abrams suggested the creation of conditions allowing parking lots in R-3 zoning only when adjacent to OBD zoning, and Solicitor Dupuis advised against doing such.

Ms. Hicks inquired as to how the required parking for an office building is determined. Mr. Erickson explained the calculations.

Mr. Boyer moved to advertise a Public Hearing for the August 18 meeting. Mr. Troxell seconded the motion. The motion died, as the vote was 2-2, with Mr. Abrams and Mr. Wise having cast the dissenting votes.

Consensus was for discussing this rezoning request again at the August 18 meeting with all five Board Members present.

c. **Waddle Heights Townhomes**

This plan proposes the construction of six townhouse units on 0.51 acres within the R-3 (Medium Density Residential) zoning district in the Woodycrest neighborhood, Mr. Erickson reviewed. The site has frontage on both Waddle Road and Weaver Street, he said, with vehicular access to Waddle Road only.

i. **Lot Consolidation Plan**

Two parcels (18-013-077 and -077A) comprising a total of .51 acres (22,342 square feet) with frontage along both Waddle Road and Weaver Street will be consolidated for development under the R-3 district regulations, Mr. Erickson said, and the Planning Commission voted 3 to 2 in favor of recommending approval of the plan. Copies of a location map and 11" x 17" version of lot consolidation plan were distributed with the agenda.

6. PLANNING AND ZONING (CONT'D)

c. Waddle Heights Townhomes (Cont'd)

ii. Preliminary/Final Land Development Plan

Parcels 18-013-077 and -077A comprising a total of .51 acres (22,342 square feet) with frontage along both Waddle Road and Weaver Street are located within both the R-3 Medium Density Residential district and the I-99 Overlay district, Mr. Erickson told the Board. Six townhomes with related parking are proposed for the property, he said, and the proposed townhomes and all associated improvements will account for an on-site impervious area of about 48 percent (maximum permitted impervious area is 50 percent). Stormwater flows will be directed to a detention basin situated in the northern corner of the property, just west of Waddle Road, he added. Access to the site is by way of an existing drive intersecting with Waddle Road, Mr. Erickson stated, which will provide ingress and egress for a proposed parking lot adjacent to and separated from Waddle Road by a 30 foot front yard setback. The parking requirement of 2.3 spaces per unit is met with the 14 proposed spaces of the parking lot, he continued, and additional site improvements include a sidewalk that will provide service to each of the homes from the parking lot as well as linkage to the adjacent sidewalks running parallel to Waddle Road and Weaver Street, as well as a six foot privacy fence that will run the entire length of both sides of the property. The proposed lighting and landscaping meet the Township requirement, he noted, and a screened dumpster area will provide containers for both trash removal and recycling. Copies of a location map, an 11" x 17" version of the land development plan, a comment letter from Alpha Fire Company (no comments), and the marked-up staff comment letter were distributed with the agenda. Mr. Erickson reported that the Planning Commission voted 3 to 2 in favor of recommending approval of the plan with the following conditions:

1. Approval of a lot consolidation plan for Parcels 18-013-077 and -077A
2. Completion of all items noted on staff's marked up comment letter
3. Inclusion of a note on the plan requiring a contribution of \$398.60 per unit to be paid at the time of issuance of a zoning permit, with funds to be used for the Waddle Road Interchange upgrades
4. To the greatest extent practicable, construction traffic shall not use Weaver Street to access the site

Township resident and property owner Asif Khatri presented the plan.

Township resident Scott Miller noted his concerns about additional traffic accessing the townhomes from Waddle Road, and Mr. Erickson recalled that this configuration was derived in response to previous concerns against traffic

6. PLANNING AND ZONING (CONT'D)

c. Waddle Heights Townhomes (Cont'd)

i. Preliminary/Final Land Development Plan (cont'd)

on Weaver Street. Mr. Miller suggested restricting turns to right in/right out. Mr. Erickson explained that a crash history or other data must exist to warrant establishing such restrictions.

Township resident Mike Damiano stated his opinion that access to the site from Waddle Road is too dangerous and requested that a traffic study be completed. Mr. Erickson noted that the proposed development is estimated to produce less than 60 trips per day, which is far below the 500 trips per day threshold that triggers requiring a traffic study. Mr. Damiano suggested that the Board not approve the Lot Consolidation Plan, which would effectively prevent the proposed plan for townhomes. Mr. Erickson, Board Members, and Solicitor Dupuis explained that a denial cannot be legally rendered without a specific reason on which to base it.

Township resident Melissa Hicks inquired about the setback requirements, and Mr. Erickson reviewed the requirements based on the traffic levels of the adjacent streets.

Township resident Fred Haller II stated his preference for not including a sidewalk from Weaver Street to Waddle Road. Mr. Erickson overviewed the Township's goal of eventually having sidewalks connecting all areas, with this goal achieved incrementally as properties are redeveloped.

Mr. Boyer, seconded by Mr. Wise, moved to approve the Lot Consolidation Plan, and also to approve the Preliminary/Final Land Development Plan with the four conditions outlined earlier. The vote in favor was 4-0.

7. ADMINISTRATION

a. Mid-Year Financial Report

Copies of the mid-year financial report were distributed prior to the meeting. Ms. Wyatt reported that the revenue and expenditure levels for the first six months of the year and noted that reduced costs and deferred expenditures are planned for the remaining six months of the year. She also mentioned that a financial trend analysis is being completed, along with beginning the process for the Capital Improvements Plan and the 2011 Budget.

7. ADMINISTRATION (CONT'D)

b. Centre Region Council of Governments (COG) Program Plan

Copies of the 2010/2011 Centre Region COG Program Plan were distributed with the agenda. Mr. Erickson provided a summary of the issues outlined in the Executive Director's report and distributed copies of his comments in response to each issue.

The Board discussed funding for regional parks and agreed that a \$7.5 million borrowing at a 25 year term would be acceptable. Mr. Troxell, with consensus among his fellow Board Members, clarified that any funding agreement for phase one of the current park development projects does not necessarily guarantee commitment to specific amounts or timeframes for future phases. Mr. Troxell also reiterated the point from a prior meeting that any future discussions should include all regional parks. Mr. Wise stated that he would like more information on the future spending intended for Welch pool, and he also mentioned the need for an overall parks maintenance building.

By consensus, the Board approved the Manager's proposed comments as presented for all other issues and directed that a Special Meeting be advertised for August 23 should any deliberative discussion be necessary at the COG General Forum Meeting.

8. CONSENT AGENDA

The items included below are routine in nature, and it is not anticipated that any will generate discussion or questions, Mr. Erickson stated. Copies of the actual Consent Agenda that included the italicized text below and supporting materials were distributed with the agenda. At the request of a Board member any single item or all items on the Consent Agenda can be discussed and voted on separately, Mr. Erickson stated. If no items are "pulled," he explained, the Board should consider a motion for "*approval of the Consent Agenda items as shown on the agenda.*"

a. PUBLIC WORKS

1) **Contract for 2010 Street Overlays**

On July 14th bids were opened for the 2010 Street Overlays Contract. A copy of the Township Engineer's bid tabulation and recommendation is enclosed. The Board should consider action to award the contract as recommended by the Engineer to Glenn O. Hawbaker, Inc. as the low bidder at \$85,782.84.

It is recommended that the Board award the 2010 Street Overlays Contract to Glenn O. Hawbaker, Inc and authorize the Manager to execute the contract on behalf of the Township.

8. CONSENT AGENDA (CONT'D)

2) **Contract for 2010 Park Overlays**

On July 14th bids were opened for the 2010 Park Overlays Contract. A copy of the Township Engineer's bid tabulation and recommendation is enclosed. The Board should consider action to award the contract as recommended by the Engineer to Glenn O. Hawbaker, Inc. as the low bidder at \$44,663.25.

It is recommended that the Board award the 2010 Park Overlays Contract to Glenn O. Hawbaker, Inc and authorize the Manager to execute the contract on behalf of the Township.

b. PLANNING AND ZONING

1) Temporary Use Permit for Patton Township Police Safety Fair

The Patton Township Police Department is requesting a temporary use permit to hold their annual Patton Township Safety Fair. This year's event is proposed to be held on September 11, 2010 in the Colonnade Shopping Center's parking lot (in front of Target, adjacent to Colonnade Boulevard). It is expected that, as in years past, several local police departments, fire companies, and other first responders (including LifeFlight) will set up various displays, demonstrations, and activities to educate and entertain the general public about safety issues. Food vendors will be present as well. Ingress and egress will be through the Colonnade's parking lots, and traffic patterns will be only slightly affected. There will be 10' x 10' canopies in place for shade and shower protection.

The Patton Township Police Department proposes holding this year's event from 9:00 AM until 4:00 PM, with setup beginning at 8:00 AM and cleanup lasting until 5:00 PM. There have never been any problems or complaints with this fair in the past, and the Planning Commission recommended approval. The agenda packet includes a location map and materials submitted by Officer Tom Snyder of the Patton Township Police Department.

It is recommended that the Board approve the Temporary Use Permit as described.

8. **CONSENT AGENDA (CONT'D)**

c. **ADMINISTRATION**

1) ***Voucher Report***

A copy of the June 2010 Voucher Report is enclosed. Board members having questions should contact the Township office prior to the meeting so the necessary information can be obtained.

It is recommended that the Board approve the June 2010 Voucher Report.

Mr. Troxell moved for approval of the Consent Agenda items as shown on the agenda. Mr. Boyer seconded the motion, which passed by a vote of 4-0.

9. **MANAGER'S REPORT**

Copies of the Development Update were distributed with the agenda. Mr. Erickson added that an Executive Session will follow adjournment to receive an update on collective bargaining negotiations with the Police Officer's Association. He also announced an upcoming Habitat for Humanity house dedication ceremony in the Woodycrest neighborhood, as well as an Open House for the new wing of the Mount Nittany Medical Center.

10. **COMMITTEE REPORTS**

Finance Committee

Mr. Wise stated that the Committee talked about the COG Program Plan, fund balances, and the newly hired Finance Officer.

Public Services and Environmental Committee

Mr. Boyer reported that the Committee received a presentation on the coming electric cap expirations.

11. **OTHER BUSINESS**

Mr. Czajkowski asked staff to address the dirt and gravel extending onto North Atherton Street at the Woodycrest Center construction site.

Referencing copies of a letter from Charles E. Miller, Jr. that were distributed with the agenda, Mr. Troxell asked about current methods of distributing information on maintaining septic systems. Mr. Erickson noted that COG handles that program and has all relevant information available on their website.

12. ADJOURNMENT

There being no further business, by Mr. Luck's motion and Mr. Troxell's second, the meeting was adjourned at 9:44 PM.

Kimberly Fragola, Township Secretary