

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA
BOARD OF COMMISSIONERS**

PUBLIC MEETING

MINUTES

September 16, 2015

A public meeting of the South Whitehall Township Board of Commissioners was held at 7:00 p.m. on September 16, 2015 in the township municipal building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

Commissioners attending:

Christina Morgan, President
Glenn Block, Vice President
David Bond-Secretary
Dale Daubert
Thomas Johns

Staff attending:

Howard Kutzler, Township Manager
Renee Bickel, Human Resource Manager
Randy Cope, Park & Recreation Manager
Gerald Harbison, Community Development Manager
Gregg Adams, Planner
Keith Zehner, Zoning Officer
Lenore Horos, Finance Manager
Robert Ibach, Public Works Manager
Deputy Chief Christman, Police Department
Christopher McLean, Assistant Township Solicitor
Ralph Russek, Jr., Township Engineer

AGENDA ITEM #1-CALL TO ORDER

President Morgan called the meeting to order at 7:04 p.m.

AGENDA ITEM #2-PLEDGE OF ALLEGIANCE

At the President's request, all rose to recite the Pledge of Allegiance to the flag.

AGENDA ITEM #3-NOTIFICATIONS

President Morgan informed all present that all public sessions of the South Whitehall Township Board of Commissioners (BOC) are electronically recorded and that the recording will be destroyed when the minutes of the meeting are approved. The BOC met in Executive

Session on September 10, 2015 to discuss legal matters and again tonight prior to the regular meeting to discuss personnel, legal and litigation matters.

AGENDA ITEM #4-MINUTES

The Board was provided with draft minutes of the August 26, 2015 workshop meeting. Commissioner Johns moved to approve the minutes. Commissioner Block seconded the motion and it passed with Commissioners Bond and Daubert abstained. The Board was provided with draft minutes of the September 2, 2015 meeting which will be tabled until a future meeting.

AGENDA ITEM #5-PRESENTATIONS/DISCUSSIONS - None

AGENDA ITEM #6-PUBLIC HEARINGS

- a. **An Ordinance Amending The South Whitehall Township Zoning Ordinance to Clarify Language Regarding Driveways Serving Nonresidential Uses or Buildings in Close proximity to Residential Uses; To Remove the Emergency Access Requirements from the Zoning Ordinance; to Update and Clarify the Regulations Regarding the Rebuilding of a Destroyed Non-Conforming Use; To Add Convenience Store With Fuel Pumps to the List of uses Subject to the Regulation of Vehicle Service Facilities; To Adjust the Off-Street Parking Requirements for Coordinated Developments; and To Provide for a Severability Clause, Retention of Rights to Enforce Clause, and An Effective Date.**

Attorney McLean presided over the public hearing noting that this Ordinance was properly advertised. Zoning Ordinance Service Pack 1J includes five zoning changes and was reviewed by the Planning Commission, the LVPC and the BOC. Staff recommends adoption of the Ordinance. There were no questions from the BOC or the public.

- b. **An Ordinance Amending and Restating In Its Entirety Sections 1.71 Through 1.80 of The South Whitehall Township Codified Ordinances, Adopted As Ordinance No. 948, Reaffirming The Creation of the Position of Township Manager, Providing for The Selection and Term of Office, Qualifications, Bond Requirement, Compensation, Responsibilities and Duties, Delegation of Duties, And Providing for a Repealer Clause, Severability Clause, and Effective Date.**

Attorney McLean noted that this ordinance addresses changes to the Township manager position following Manager Hammer's departure. Commissioner Bond asked about previous ordinances and was told that they will be eliminated. There were no questions from the public.

AGENDA ITEM #7-ORDINANCES

- a. **An Ordinance Amending The South Whitehall Township Zoning Ordinance to Clarify Language Regarding Driveways Serving Nonresidential Uses or Buildings in Close proximity to Residential Uses; To Remove the Emergency Access Requirements from**

the Zoning Ordinance; to Update and Clarify the Regulations Regarding the Rebuilding of a Destroyed Non-Conforming Use; To Add Convenience Store With Fuel Pumps to the List of uses Subject to the Regulation of Vehicle Service Facilities; To Adjust the Off-Street Parking Requirements for Coordinated Developments; and To Provide for a Severability Clause, Retention of Rights to Enforce Clause, and An Effective Date.

Commissioner Johns moved to approve this Ordinance. Commissioner Bond seconded the motion. A roll call vote was performed and the following vote was cast:

Commissioner Johns	Aye
Commissioner Block	Aye
Commissioner Daubert	Aye
Commissioner Bond	Aye
Commissioner Morgan	Aye

b. An Ordinance Amending and Restating In Its Entirety Sections 1.71 Through 1.80 of The South Whitehall Township Codified Ordinances, Adopted As Ordinance No. 948, Reaffirming The Creation of the Position of Township Manager, Providing for The Selection and Term of Office, Qualifications, Bond Requirement, Compensation, Responsibilities and Duties, Delegation of Duties, And Providing for a Repealer Clause, Severability Clause, and Effective Date.

Commissioner Daubert moved to approve this Ordinance. Commissioner Block seconded the motion. A roll call vote was performed and the following vote was cast:

Commissioner Johns	Aye
Commissioner Block	Aye
Commissioner Daubert	Aye
Commissioner Bond	Aye
Commissioner Morgan	Aye

AGENDA ITEM #8-RESOLUTIONS - None

AGENDA ITEM #9-MOTIONS

a. Motion to Award Bid: Bid #2015-08, REBID Full Depth Reclamation (FDR) Chemical Stabilization Resurfacing of Pennsylvania Street from Whitehall Avenue to North 23rd Street

Mr. Ibach reported that this is the second time bidding this work and the bid contains options for overlay work. He had considered using Township crew but he is running out of time for street projects. Staff has reviewed work done by contractor, E J Breneman, Inc. in both Whitehall Township and Coopersburg. Commissioner Johns moved to award the bid to E J Breneman, Inc. Commissioner Bond seconded the motion and it passed unanimously.

- b. Motion to Accept the Recommendation of Deputy Chief Christman to Suspend Officer Stacey Surdan for one day without pay for violation of her official duties and inefficiency, neglect, intemperance, disobedience of orders and or conduct unbecoming of an officer pursuant to section 6442 and 4 of the First Class Township Code. Deputy Chief Christman will identify the dates when Officer Surdan will serve her suspension.**

Commissioner Morgan moved to approve the motion. Commissioner Bond seconded the motion and it passed unanimously.

AGENDA ITEM #10-CORRESPONDENCE & INFORMATION ITEMS

- a. Public Notice – Zoning Hearing Board, Public Hearing Wednesday, September 23, 2015, 7:30 p.m.**

Mr. Harbison said that the appeals include a storage shed on Lapp Road and a proposed graphic LED pricing sign for the Weis Gas N Go Station. This gas station is located in the residential zoning district which constitutes an automatic trip to the ZHB. The station is the non-conforming use and grandfathered for more than 30 years. Mr. Zehner reminded the BOC that the owners spoke with the Township about their pylon sign along Route 22. The neighborhood commercial section begins at the Cedar Crest Boulevard McDonald's. Mr. Harbison reported that continued cases for Tesla Motors and Cedar Point West are also on the ZHB agenda. The proposed Wawa at Cedar Point West will be discussed at the meeting on the September 24th.

- b. Public Notice – Board of Commissioners, Vote to Enact an Ordinance Regarding Parking Zones for Persons with Disabilities, October 7, 2015, 7:00 p.m.**

Attorney McLean noted that the BOC received 3 requests from residents to establish designated ADA parking spots. As a result of those requests, Public Works inventoried the existing ADA parking spots in the Township. Requests are reviewed on a case by case basis. Mr. Ibach reported that his staff receives the handicapped sign request; however, they cannot authorize a handicapped sign without this ordinance. Each placard would receive a specific number. Commissioner Bond wants an application process for handicapped signage incorporated into the Ordinance. Residents will need a placard in their car to park at the designated parking spots for persons with disabilities. Police will ticket anyone without a placard in their car if they are parked at an ADA spot. PW staff installs a sign and paints blue lines on the road to mark each location. There are no more than 10 spots and staff will continue to monitor all parking spots for persons with disabilities. An Ordinance for adding these parking spaces will be considered at a future meeting.

AGENDA ITEM #11-DIRECTION/DISCUSSION ITEMS

- a. PennDOT Roundabout Pilot Study**

Mr. Russek attended a meeting at the LVPC on August 31st when PennDOT shared the results of a pilot study on roundabouts. This is a free flowing counter clockwise traffic circle using no signals or lights. There is one local roundabout at Sands Casino in Bethlehem. PennDOT's review was a basic one done by helicopter and not a feasibility study. The study identified one location in South Whitehall Township for a possible roundabout: Lincoln Avenue at Hamilton Boulevard. In addition, PennDOT identified corridors for possible roundabouts: Tilghman Street and Parkway Road including the area from Tilghman Street and 40th to Tilghman Street and Springhouse Road. The second corridor would begin at Tilghman Street and Cedar Crest Boulevard working south to Chew Street and Broadway. Roundabouts are 100% federally funded as safety projects. PennDOT did not publish any results but more information will follow. If work is needed at an intersection, a roundabout would have to be considered. Commissioner Morgan reminded everyone about the Hamilton Boulevard improvement project. Commissioner Johns mentioned traffic circles in New Jersey and roundabouts used in New England. There is no electric used in the roundabout. PennDOT claims there is a decrease in accidents with roundabout traffic patterns and the severity of an accident is less. PennDOT is looking at the roundabout option across the entire state noting that New York and Massachusetts already have this traffic option. Mr. Offutt asked about the corridor concept and he was told that the proposal will locate a roundabout at the traffic signal. One resident mentioned that a roundabout is a natural progression from the right turn on red.

b. Lands of Ridgeview Limited Partners – Rezoning Request #2015-502

Attorney McLean announced a developer has made a request to rezone approximately 24 acres along Hausman Road for construction of a restaurant. Currently, the lots are zoned Industrial Commercial (IC), which does not allow restaurants, and the owner would like to have it changed to Highway Commercial (HC) zoning which allows restaurants. The developer is attempting to take the zoning from west side of Hausman Road and switch it with the zoning on the east side of Hausman Road. Attorney McClean outlined several options for the applicant. Mr. Kutzler suggested that the applicant present additional information about the plan to the BOC and the Planning Commission. Mr. Adams said that there are 6 properties owned by Ridgeview Limited Partners and the plan would include rezoning all 6 parcels. Mr. Zehner noted that a zoning change would reduce industrial land acreage. He suggested that the Planning Commission consider "restaurant use" in the list of permitted uses for an IC zone. From a planning perspective, this would not be spot zoning issue because there are several parcels that may be changed. The applicant will meet with staff to discuss rezoning the land or changing the uses allowed in the IC zone. Resident asked if one zoning district is taxed at a higher rate than another and was told that taxation depends on the primary use option.

c. Storm Water Management

Mr. Ibach has been working with the Township Engineer on two storm water projects and the documentation is almost completed for the bid. Mr. Ibach would like to advertise the storm water management bid for the project at 35th Street near Cedar Crest Boulevard and the Union

Street project. He would like to get this work done before winter arrives. The BOC approved the request to proceed with the bid advertisement.

AGENDA ITEM #12 OLD BUSINESS - None

AGENDA ITEM #13- STATUS ITEMS

Executive-Mr. Kutzler led the review of the parking concern of tractor trailer trucks on Office Center Road. Staff became aware of this issue about four years ago. The owner of the development gave permission to the driver to park his cab on Office Center Road. The area is zoned general commercial one (GC-1). Visitors travel through this development along Office Center Road from Walbert Avenue to Cedar Crest Boulevard to visit Coordinated Health, Lifespan School & Day Care and other offices. The other road which connects the commercial development to Helen Street is private. Mr. Kutzler noted that Option One would be a specific ordinance to eliminate tractor trailer truck parking, and possibly all parking, along Office Center Road. Option Two would include a comprehensive parking ordinance of the entire Township to identify places for tractor trailer parking. Option Two will take some time for staff and management to develop. Mr. Kutzler provided the BOC with copies of a draft ordinance for Option One and mentioned that it includes a penalty section which may need to be reworked. Commissioner Morgan is concerned with creating a one site specific ordinance and she wants to include the entire Township. Attorney McLean noted that if the truck is lawfully parked, it may be a concern but not necessarily a liability. Commissioner Block has heard concerns about the truck from both Coordinated Health and the day care center. He has immediate safety concerns for this development and would like to offer alternative truck parking options. He added that there are clear site triangle issues, a public bus stop and school bus traffic near the truck. Commissioner Bond is concerned where the truck parks because there is no law in place. There was a discussion about the truck parking on other streets in the Township and Deputy Chief Christman noted that the police department has not received any complaints. Mr. Kutzler noted that the parking restrictions may be related to the zoning districts which will be coordinated with PW staff, the police department and the Township engineer. Upper Macungie Township has a big truck parking problem and staff has had to post many streets. Commissioner Johns asked about the timing of the parking ordinance which would be effective following the public hearing and possible vote at the October 21st meeting. Commissioner Morgan does not want to be scared into adopting a specific ordinance if there are no liability concerns. Attorney McLean said that any specific issues should be discussed at an executive session; however, if the BOC is addressing parking within the Township that will not impose liability on the BOC because the Township doing a review. Commissioner Block thinks that knowing Office Center Road has a problem is a liability. Commissioner Bond said that there are many different types of trucks and large vehicles that must be considered in the parking review. Commissioner Johns would like to assist the driver find a new place to park his truck.

Commissioner Block moved to proceed with a site specific parking ordinance. Commissioner Johns seconded the motion. Commissioner Morgan, Commissioner Bond and Commissioner Daubert opposed the motion and the motion failed 3-2. Commissioner Morgan moved to

proceed with the comprehensive parking plan for the entire Township. Commissioner Bond seconded the motion and it passed unanimously.

Mr. Kutzler reported that KRE is searching for a name for their joint project with Upper Macungie Township and staff should forward any ideas to him. The development will have 400 apartment units and be located near St Luke's West. Emergency Preparedness Day is Saturday, September 19th from 11:00 a.m. – 4:00 p.m. at 501 Cetronia Road. Commissioner Morgan and Mr. Kutzler met with the LVPC to speak about funding options for the Hamilton Boulevard improvement project. Ms. Horos has provided all managers with the 2016 budget material. The comprehensive parking review, also known as Option 2, is being discussed by staff. The Woodlawn Fire Company open house is scheduled for October 5, 2015.

Community Development-No report

Finance-Ms. Horos reported financials as of August 31, 2015 with 87% of the total revenue collected and 55% of total expenses paid for the General Fund. The Capital Reserve Fund has 95% of total revenue and 48% of total expenses paid which included vehicles and street work. State Highway Aid revenue was 103% of the budgeted revenue due to the increase in the grant and total expenses for street lighting and salt are 45% of the total budget. The Refuse/Recycling Fund has 69% of total revenue and 51% of total expenses were paid which include mainly the hauler fees. Commissioner Bond asked about reporting the cash carryover on the statement while showing a balanced budget. Ms. Horos explained that this number is the net revenue over the expenses.

IT/Human Resources-Management is continuing with the police negotiations. There are six proposals for pension plan services which will be discussed with the Pension Committee as well as the BOC. The four retiring police officers will be recognized at the October 21st BOC meeting.

Park & Recreation-Mr. Cope reported that the Township newsletter will be mailed at the end of September. The Township is selling discounted Lehigh Valley Phantoms tickets for the game on October 24th. New plans are underway for the annual tree lighting ceremony at CBP.

Police-The department is undergoing a transition period with new job assignments, training and promotions. The second new police vehicle will be on road soon. The police dog assisted Salisbury Township police during the night with locating a man who suffered from dementia. Officers will be attending Emergency Preparedness Day. The department is not in favor of a roundabout at Lincoln Avenue.

Public Works-The Ott Street storm water improvement project has been completed. Staff will be paving Frankenfield Street next week. At the Lehigh University storm water workshop on October 13th, the Township will partner with Little Cedar Creek on a presentation. The reverse 911 phone calls are being integrated into the GIS system. Leaf collection will begin on October 19th. Commissioner Daubert asked about the missing white street lines at Parkway and was

told that the vendor could not complete the work and staff will finish it. Commissioner Bond suggested that the paving company complete the striping of the street.

Board of Authority-Mr. Pineda is working with Public Works & Finance on updating the website with various water and sewer facts. This information will also be included with a customer billing invoice in the form of a "bill stuffer". Staff has completed the annual hydrant flushing to ensure that water mains are clean and properly disinfected. The meter replacement program is 65% complete. The Clear Water Elimination Program is 93% complete. The closed circuit sewer inspections are 77% complete. The Township has inspected 44% of the manholes. Public Works mailed a meter replacement questionnaire to residents which are providing good feedback. The SCADA system is being upgraded. This repair will provide improved computer technology for controlling pumps, alarms, chlorine levels and other functions. The PA Department of Environmental Protection revised its rules and will change the chlorine residuals in April 2016. At the September 14th BOA meeting, the second stage of the SCADA project was approved which includes complete design of the Township's water treatment and distribution system (e.g. water pump stations). The design cost of the first stage of SCADA (i.e. HMI) is \$60,000 and the second stage (i.e. full stage design) is \$73,000; for a total design cost of \$133,000. Mr. Pineda has received one \$740,000 proposal to upgrade the entire system which uses Township staff for labor. Staff will not be doing the work, as the project will be put out for public bid. The work is estimated to cost from \$500,000-\$1,000,000 and the construction to be done over a period of several years. There was a discussion about cash flow, debt financing and if rates will need to be adjusted in order to support this large project.

AGENDA ITEM #14-PAYMENT OF INVOICES

Invoices have been reviewed by the Township Manager and the Finance Manager who authorized that checks be issued to pay bills as tabulated. Commissioner Block moved to approve the payment of invoices. Commissioner Daubert seconded the motion and it passed unanimously.

AGENDA ITEM #15-COURTESY OF THE FLOOR

Sharon and Don Holden, 1909 Walbert Avenue, are bothered by the bright lights from the nearby commercial buildings including: Quick Mart, Kalb Photo and Lily's Restaurant. Mrs. Holden spoke with the owner of the Quick Mart and has not received satisfaction. Mr. Holden suggested motion sensor lighting. In addition, he would like to review Township zoning and property maintenance code information about this lighting issue. There was a discussion about PPL putting lights up. Mr. Kutzler will assist the Holdens on this issue.

AGENDA ITEM #16-EXECUTIVE SESSION –The BOC met to discuss legal issues.

Commissioner Block moved to refund of \$24,957 to Lexus of Lehigh Valley due to an error with the calculation of the business privilege tax. Commissioner Daubert seconded the motion and it passed unanimously.

AGENDA ITEM #16-ADJOURNMENT

At 9:17 p.m., Commissioner Daubert moved to adjourn. Commissioner Bond seconded the motion and it passed unanimously.

APPROVED: October 7, 2015

A motion was made by Commissioner Bond, and seconded by Commissioner Daubert, to approve the September 16, 2015, BOC Meeting Minutes. Christina Tori Morgan was absent. All in favor; none opposed.