

The City Council met in regular session in the Council Chambers on Wednesday, July 2, 2008 at 9:00 A.M.

Council Members present: Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones.

On motion of Mr. Thompson, Seconded by Mrs. Horan-Kunco, the reading of the minutes of the meeting of June 18, 2008 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

Copies of the bills under date of June 27<sup>th</sup> and July 3<sup>rd</sup> were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0., with the exception of invoices to the NATO Centers on which Mrs. Jenkins-Husband abstained from voting.

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By Mr. Cappabianca, Council File Ordinance #15,593, Pending Official File Ordinance #31-2008,  
an ordinance appropriating the sum of **\$5,000.00** from unappropriated and unanticipated revenue from Account #002-0000-0000-3338 PA DCED Grant - Fire Department and providing for the expenditure thereof by allocating said sum to Account #002-0639-0000-4033 Operating Supplies.

July 2, 2008. City Council on motion of Mr. Cappabianca, Seconded by Mr. Thompson, having read Council File Ordinance #15,593, and now known as Pending Official File Ordinance #31-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

July 2, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,594, Pending Official File Ordinance #32-2008,  
an ordinance appropriating the sum of **\$85,052.23** from unappropriated and anticipated revenue from Account #231-0613-2008-3337 Insurance Fraud Prevention and providing for the expenditure thereof by allocating said sum to Account 231-0613-2008-40xx accounts.

July 2, 2008. City Council on motion of Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance #15,594 and now known as Pending Official File Ordinance #32-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

July 2, 2008. Signed by the President Attested by the City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,595, Pending Official File Ordinance #33-2008,  
an ordinance appropriating the sum of **\$93,242.23** from unappropriated and anticipated revenue from Account #230-0613-2008-3337 Auto Theft Prevention and providing for the expenditure thereof by allocating said funds to Account #230-0613-2008-40xx accounts.

July 2, 2008. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,595, and now known as Pending Official File Ordinance #33-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

July 2, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File Ordinance #15,596, Pending Official File Ordinance #34-2008,  
an ordinance appropriating the sum of **\$107,928.00** from unappropriated and anticipated revenue from Account #261-0613-2008-3336 Weed & Seed Quality of Life and providing for the expenditure thereof by allocating said funds to Account #261-0613-2008-40xx accounts.

July 2, 2008. City Council on motion of Mr. Cappabianca, Seconded by Mrs. Jenkins-Husband, having read Council File Ordinance #15,596 and now known as Pending Official File Ordinance #34-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7.

July 2, 2008. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,597, Pending Official File Ordinance #35-2008,

an ordinance amending Part One (Administrative Code), Title Nine (Commissions), Article 165 (Urban Forest Committee) by amending Article 165.07 (Permits Required) to add Subsection (e) (Fees) to provide for a fifty dollar (\$50.00) administrative fee for every tree removal application and to provide for a fee waiver in the case of hazardous tree removals as determined by the City Arborist; by amending Article 165.12 (a) (Noncompliance; City to do the work, cost a lien) to provide that the costs for tree replacement undertaken by the City shall not exceed four hundred dollars \$400.00, by amending Article 165.15 (Penalty), as follows: (1) by including a fine of not more than three hundred dollars (\$300.00) for violation of Article 165.07 (c) (Removal and Replacement Permit) for failing to obtain a tree removal and replacement permit, (2) by increasing the fine for violation of Article 165.10 (abuse or mutilation of trees or plants) based on the size of the damaged tree, (3) by deleting references to the "Committee" and the "City Arborist" for purposes of clarifying that only police officers may issue summary offense citations for violation to municipal ordinances pursuant to the Pennsylvania Rules of Criminal Procedure, and (4) by renumbering the "Penalty" provision from Article 165.15 to Article 165.99.

July 2, 2008. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,597 and now known as Pending Official File Ordinance #35-2008, does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

July 2, 2008. Signed by the President. Attested by the City Clerk.

HONORABLE MAYOR, PRESIDENT AND MEMBERS OF CITY COUNCIL June 19, 2008

The Planning Commission, at its regular meeting held June 17, 2008, reviewed a rezoning request by Barbara Cochis and Francine Scarpino for consideration of a property located at 3809 Wood Street, City Index No. 5308-115. The appellant is requesting a change from an R-1 (Low Density Residential District) to a C-2 (General Commercial District) in order to operate a professional counseling center that offers outpatient behavioral health and addictions treatment.

After inspection and due consideration, the following recommendations were made:

\* The City of Erie Planning Commission finds the rezoning of 3809 Wood Street from an R-1 (Low Density Residential District) to a C-2 (General Commercial District) to be potentially hazardous to the residential neighborhood it is located in.

\* A C-2 zone creates the potential for a wide variety of uses not intended to abut a residential neighborhood.

\* Instead, the Planning Commission recommends the property to be rezoned to an RLB (Residential Limited Business District). While running the risk of this to be classified as spot zoning, the purpose of an RLD District is to provide a transitional zone from Commercial to Residential Districts.

The rezoning from an R-1 District to an RLB Residential Limited Business District was unanimously approved for the following reasons:

1. The Planning Commission encourages growth and recognizes the need for expansion of successful business.

2. The subject property is amid the West 38<sup>th</sup> Street General Commercial District and Wood Street's R-1 Low Density Residential District.

3. The Planning Commission sees the use as a professional counseling center in a home-like setting appropriate for the location.

4. The owner agrees to the following:

\* Sufficient parking will be provided in accordance with the City of Erie Zoning Ordinance: 1 per 500 feet of floor area

\* Appropriate buffer and screening around the parking lot perimeter will be provided, in addition to all applicable setback requirements.

Motion Carried

Respectfully submitted,

Katie A. Deible, City Planning Commission

By Mr. Thompson, Seconded by Mr. Cappabianca, Resolved, etc.,

That the communication from the City Planning Commission recommending that the request submitted by Barbara Cochis and Francine Scarpino to amend Zoning Ordinance #80-2005 by changing the classification of property located at 3809 Wood Street, from R-1 (Low Density Residential District) to C-2 (General Commercial District) be amended to consider rezoning said property to an RLB (Residential Limited Business District) designation with certain stipulations to be agreed to by the owner, and authorizing and directing the City Clerk to publish a legal advertisement scheduling a Public Hearing to be held before City Council on Wednesday, August 6<sup>th</sup> at 10:00 a.m. at which time and place any person may be heard concerning the said rezoning.

July 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
July 2, 2008. Signed by the President. Attested by the City Clerk.

**CITY OF ERIE HIGHER EDUCATION BUILDING AUTHORITY  
LAKE ERIE COLLEGE OF OSTEOPATHIC MEDICINE, INC. PROJECT**

WHEREAS, the City of Erie Higher Education Building Authority (the "Authority") is a body corporate and politic existing under the laws of the Commonwealth of Pennsylvania pursuant to the Municipality Authorities Act approved May 2, 1945, P. L. 382, as continued by Act approved June 29, 2001, P. L. 22,53 Pa. C. S. Ch. 56, as amended (the "Act") having been organized by the City Council of Erie, Pennsylvania by Official Ordinance #64-1985 and the Articles of Incorporation of the Authority having been subsequently amended and restated as approved by Resolution of City Council adopted December 16, 1992; and

WHEREAS, the Act, among other things, empowers, authorities created thereunder to acquire, hold, construct, improve, maintain, operate, own and lease, as lessor or lessee, buildings, equipment and facilities to be devoted wholly or partially for public uses, including buildings and facilities for private, non-profit, non-sectarian colleges and universities which are determined by the Authority to be eligible educational institutions provided that such buildings and facilities shall have been approved by resolution adopted by the governing body of the municipality organizing the authority and that the approval does not obligate the taxing power of the governing body in any way, and to borrow money and to make and issue bonds, refunding bonds and other evidences of indebtedness and to secure payment of such bonds and other evidences of indebtedness or any part thereof by pledge or deed of trust of all or any of its revenues and receipts; and

WHEREAS, Lake Erie College of Osteopathic Medicine, Inc. (the "College"), a Pennsylvania non-for-profit corporation, is a private non-sectarian college which owns and operates higher educational facilities in various locations, including the City of Erie, Pennsylvania, where its principal office is located, and

WHEREAS, the College has requested that the Authority provide funds for a project to be undertaken by the College to include: (a) construction and equipping of a three-story, approximately 108,000 sq. ft. health and wellness center at the southeast corner of West 54<sup>th</sup> and Peach Streets in Millcreek Township, Erie County, Pennsylvania and (b) payment of all or a portion of the costs of issuance of the Bonds (together, the "Project"); and

WHEREAS, the completion of the Project will enable the College to service its students and the people of the City of Erie, Pennsylvania in an improved manner; and

WHEREAS, in order to provide the funds for the Project, the College has requested that the Authority issue its not to exceed \$35,000,000 aggregate principal amount of its revenue bonds, in one or more series (the "Bonds"), and

NOW, THEREFORE, BE IT RESOLVED,

1. It is hereby declared that it is desirable for the health, safety and prosperity of the people of the City of Erie for their Authority to undertake the Project and to finance the same by the issuance and sale of the Bonds.

2. The Authority by its proper officers is authorized to issue, execute, deliver and acknowledge the Bonds.

3. Nothing in this Resolution shall be construed to pledge the credit or taxing power of the City of Erie, Pennsylvania, nor shall the City of Erie be in any manner liable for any indebtedness arising out of this transaction.

We do hereby certify that the above Resolution was duly passed by the City Council of Erie, Pennsylvania, at a regular meeting held on July 2, 2008, due notice of which had been given and at which a quorum was present and acting throughout.

July 2, 2008. City Council adopt by yeas council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
July 2, 2008. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mrs. Jenkins-Husband, Resolved, etc.,

It is hereby resolved, that the City of Erie supports and approves of the efforts of the Erie Area Council of Governments to seek a grant requiring no "local match" of funds, from the **Erie Community Foundation** (substantially in the form of the draft submitted hereby at Exhibit A) to undertake Phase 2 of the Erie Area Intergovernmental Project for the purpose of continuing development of shared services and functional combination of services and programs among the municipal governments and county government of Erie County.

July 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
July 2, 2008. Signed by the President. Attested by the City Clerk.

To: Council President Jones and Council Members June 16, 2008  
From: Kim Green, Director, Economic and Community Development  
Re: Tech Council Keystone Innovation Zone

A resolution will appear on Council's agenda requesting approval to enter into agreement with the Technology Council of Northwestern PA for Administrative support of the case management services through Gannon SBDC in the amount of \$15,000 for the Keystone Innovative Zone (KIZ) program. This program is funded through the

Commonwealth's Department of Economic and Community Development through a competitive grant application that requires local match.

Our KIZ has been awarded a grant in the amount of \$187,500. They have requested city support of \$15,000 which I have budgeted in the DECD budget this year and which will provide a portion of the local match. Previously the city supported this KIZ initiative in the amount of \$25,000 (resolution passed August 17, 2005) when they received their first round of funding. Because they have been able to bring in additional partners the request has been reduced to \$15,000 for the second round of funding.

If it is Council's pleasure, I would be happy to assist with scheduling a study session to have the director of the local KIZ come in and update you on the work that the KIZ has accomplished at this point. President Jones, please let me know if you require my assistance in setting that up. Should you have any questions, please don't hesitate to contact me at 870-1270.

By Mr. Schember, Seconded by Mr. Cappabianca, Resolved, etc.,

That the proper City officials are authorized and directed to enter into an agreement with **Technology Council of NW Pa.**, 915 State Street, Erie, Pa., for Administrative Case Management Support through Gannon Small Business Development Center at a total cost of \$15,000.00 for the Keystone Innovative Zone (KIZ) Program which is funded through the Commonwealth's Department of Economic and Community Development through a competitive grant application that requires local match. (The City's KIZ has been awarded a grant in the amount of \$187,500 and they have requested City support of \$15,000 which was budgeted in the DECD budget his year and which will provide a portion of the local match.)

July 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

July 2, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mr. Cappabianca, Resolved, etc.,

That the appropriate City officials are authorized and directed to submit an application to the **Pennsylvania Department of Conservation and Natural Resources (DCNR)** for a grant in the amount of \$200,000 to implement park and plaza improvements at the City of Erie's Griswold Park (west of Peach Street between West 13<sup>th</sup> and West 14<sup>th</sup> Street).

July 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.

July 2, 2008. Signed by the President. Attested by the City Clerk.

Commonwealth of Pennsylvania  
Department of Community and Economic Development  
Center for Local Government Services  
400 North Street - 4<sup>th</sup> Floor Commonwealth Keystone Building  
Harrisburg, Pa. 17120-0225

June 26, 2008

Re: Annual Report of Municipal Authorities 2007

Dear Monitoring agency:

Enclosed please find the completed DCED-CLGS-04 for Erie Municipal Airport Authority for the fiscal year ended December 31, 2007 and a copy of the audited financial statements for the same period.

Please let me know if you have questions or require additional information.

Sincerely,

Sheilah Bruno, Chief Financial Officer

By Mrs. Jenkins-Husband, Seconded by Mr. Thompson, Resolved, etc.,

That the Annual Report of Municipal Authorities for the fiscal year ended December 31, 2007 for the Erie Municipal Airport Authority as submitted to the Department of Community and Economic Development-Commonwealth of Pennsylvania is hereby received by City Council and ordered placed on file in the Office of Accounts, Finance & Budget.

July 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays 0.

July 2, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, Resolved, etc.,

1. \*\* Cheryl Frey, 1544 West 54<sup>th</sup> Street, Erie, Pa. 16509
2. Justin Griffith, 434 East 38<sup>th</sup> Street, Erie, Pa. 16504

The above listed two (2) names are as they appear on the current Civil Service Eligibility List for Probationary Police Officers with the Police Bureau of the city of Erie or \*\*in accordance with the Consent Decree entered into between the City of Erie and the US Department of Justice in the United States District Court for the Western District of Pennsylvania at Docket A No. 04-4 Erie.

Be It Resolved, that \*\*Cheryl Frey, 1544 West 54th Street, Erie, Pa 16509, having qualified as a "priority hire" pursuant to the Consent Decree, is hereby appointed as a Probationary Patrol Officer at the current entry-level yearly salary of \$31,599.00 and that she is on probation for one (1) year from the date of her appointment hire on June 23, 2008.

July 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
July 2, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, Resolved, etc.,  
1. Cheryl Frey, 144 West 54<sup>th</sup> Street, Erie, Pa., 16509  
2. Justin Griffith (Veteran), 434 East 38<sup>th</sup> Street, Erie, Pa. 16504

The above listed two (2) names areas they appear on the current Civil Service Eligibility List for Probationary Police Officers with the Police Bureau of the City of Erie.

Be It Resolved, that Justin Griffith (Veteran), 434 East 38<sup>th</sup> Street, Erie, Pa. 16504, being No. 1 on the current Eligibility List, being a veteran of the United State Armed Forces, having been nominated by Chief Stephen E. Franklin, is hereby appointed as a Probationary Patrol Officer at the current entry-level yearly salary of \$31,599.00 and that he is on probation for one (1) year from the date of his appointment/hire on July 2, 2008.

July 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
July 2, 2008. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mr. Cappabianca, Resolved, etc.,  
That the Mayor's extension of the following Enterprise Zone Loan Review Committee membership terms from September 1, 2008 as noted are hereby confirmed by City Council:

**James Gehrlein**, Retired President of National City Bank, for a term expiring August 31, 2009  
**Scott McCain**, President, Erie Concrete Steel & Supply Co., for a term expiring August 31, 2011

July 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
July 2, 2008. Signed by the President. Attested by the City Clerk.

Curtis Jones, Jr., Council President

June 17, 2008

This letter is concerning 2 fireworks shows, Boom on the Bay on July 4<sup>th</sup> and Celebrate Erie on August 17<sup>th</sup>. Zambelli's Fireworks are producing the shows with Jim Carbonelli as the Pyrotech. Jim and I discussed the regulations set forth in the 2006 International Fire Code and National Fire Code 1123, and he assured me that they would be adhered to. With that being said, the office approves of this show.

S/ Guy R. Santone, Chief Fire Inspector

By Mr. Jones, Seconded by Mr. Schember, Resolved, etc.,  
That pursuant to the provisions of Official Ordinance #30-1968 granting permission to **Zambelli's of New Castle** to conduct a pyrotechnic display on July 4, 2008 during "Boom Over the Bay" to be launched a minimum of 1,000 feet from the Chestnut Street pier and on August 27, 2008 during "Celebrate Erie" to be launched from the North End of Dobbins Landing.

July 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
July 2, 2008. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,  
That the Mayor and City Controller are authorized and directed to execute contracts to the following individuals and/or companies for goods and/or services as noted and the City Council does hereby ratify and confirm the said transactions which are to be charged to the respective Budget Code Numbers, viz:

1. **Joseph McCormick Construction Co.**, P. O. Box 176, Erie, Pa., for the 2008 proposed Milling and Asphalt Resurfacing of various City streets and the installation of Concrete Curb Ramps - II, Bid No. 1621-08 in the sum of \$778,835.11.
2. **JCI Jones**, P. O. Box 25035, Bradenton, FL., for approximately 180 tons of Liquid Chlorine for the Bureau of Sewers at a unit price of \$487.00/ton.

July 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
July 2, 2008. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mrs. Horan-Kunco, Resolved, etc.,  
That the City Purchasing Agent is authorized and directed to issue purchase orders to the following individuals and/or companies for goods and/or services as noted and the City Council does hereby ratify and confirm the said transactions which are to be charged to the respective Budget Code Numbers, viz:

1. **Printing Concepts, Inc.**, 4982 Pacific Avenue, Erie, Pa., for Printing and distribution of the 2008 Summer Parks & Recreation Guide in the sum of \$8,876.00.
2. **Path Master, Inc.**, 1960 Midway Drive, Twinsburg, Ohio, for the purchase of 8-16" LED Countdown Pedestrian Signals to be installed at the Bayfront Parkway/State Street intersection, in the sum of \$2,984.00.
3. **Golden Equipment**, P. O. Box 873, Mars, Pa., for a Pick-up Head for Tymco Sweeper #846 for the Bureau of Streets in the sum of \$5,399.90.
4. **Erie Bearings Co.**, 1432 East 12<sup>th</sup> Street, Erie, Pa., for a Drive for the Von Roll Belt Press for the Bureau of Sewers for \$3,782.50.

July 2, 2008. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Schember, Thompson and Jones. 7. Nays. 0.  
 July 2, 2008. Signed by the President. Attested by the City Clerk.

Joe Palermo June 26, 2008  
 Palermo Realty and Development, 2500 Palermo Drive, Erie, Pa. 16506

Re: Relief from Sidewalk Installation

Dear Mr. Palermo:

Your letter of June 19, 2008 addressed to Mayor Sinnott has been referred to me for response. You have requested relief from the city's sidewalk installation requirements at two locations, an apartment complex at West 25<sup>th</sup> Street and a single family residence at West 22<sup>nd</sup> Street.

The installation of sidewalks is mandated by City Ordinance as well as those regulations governing the procurement of building permits. As part of the building permit requirement for new structures, the City requires the installation of sidewalks. I am informed that this has been a long-standing policy of the city. We are uncertain why the properties you referenced in your letter lack sidewalks. It may be that the property is undeveloped or a builder, at the time of construction of a building or resident, somehow obtained some sort of dispensation.

The City currently has no policy, which would permit departure from the sidewalk requirement for projects such as yours. At the present time, we are unable to grant your request for relief from the installation requirement for the new construction at these locations.

Very truly yours,  
 S/ Gregory A. Karle, Esq.

July 2, 2008. City Council receive and enter in the minutes for information.

To: Erie City Council July 2, 2008

Re: Statement Opposing Proposed M2 Zoning Change

Please accept this letter as our position on the proposal to target and re-categorize certain types of businesses from permitted uses to conditional uses within the M-2 Heavy Manufacturing Zoning District.

The City of Erie and Erie County have a strong manufacturing past and manufacturing within our region remains vibrant. Manufacturing is a key component of the economic stability of the City and County. Manufacturing provides quality jobs with both family sustaining wages and benefits. Maintaining and growing our manufacturing employment therefore, is not only good policy from a jobs standpoint, but also from a community wealth generating standpoint. Furthermore, Erie's residents have consistently communicated to us, individually and to our organizations, that they wish us to remain and increase manufacturing jobs within our region. It is therefore incumbent on all of us to take measures to ensure the development and expansion of our manufacturing base.

We have stated before that we support all manufacturing that is in compliance with all federal, state and local laws and regulations, including zoning ordinances. As we all know, the manufacturing segment is highly regulated through multiple agencies at both the state and federal levels. Laws and regulations have been implemented based upon scientific research and a true understanding of the manufacturing processes. The state and federal laws and regulations deal with the ongoing operations of manufacturing facilities while the local zoning ordinances deal with the ongoing operations of manufacturing facilities while the local zoning ordinances deal with the land use issues. This is a separation that is appropriate and should be maintained.

The proposed amendment would require certain manufacturing uses to receive the approval of a majority of City Council so that such use would then be an allowable use in the M-2 Zoning District. This proposed process also empowers City Council to apply additional conditions on an approved use. We oppose this proposed amendment for several reasons.

First, the proposed amendment sends a distinct negative message to our region's existing manufacturing base. Moreover, it conveys a message to domestic and international manufacturers that Erie is an unfriendly, costly, and unnecessarily complicated area to locate and grow their business. Passing such an amendment would make conducting business in the City of Erie even harder. Not only must a business

comply with the federal and state requirements, but then City Council may implement even more strict conditions upon any such operations at their will.

Second, businesses look for stability when deciding on a location where they will invest millions of dollars in land, building, equipment and people. One of the aspects that provides stability is zoning - not only the zoning of one's property, but the adjacent properties as well. Modifying zoning regulations actually sends a message of instability to existing and potential investors. When making a multi-million dollar investment, business leaders will consistently choose the stable location over the unstable one.

Third, attracting new businesses to the City of Erie will become very burdensome if they must receive four votes from an elected body before they can proceed to make investments and employ people. Business leaders respect zoning laws and the role of planning commissions in the development process. That is where the decisions should be made regarding approvals for new businesses.

Fourth, existing employers who use chemicals or other hazardous materials in their production processes may be affected by this change in legislation should they decide to expand their facility. Federal and state environmental laws are in place to protect citizens from the dangers and effects of chemicals and hazardous materials. All manufacturing businesses must adhere to those laws in order to stay in business. In an intensely competitive global environment, the penalties for violating those laws can easily become fatal for a business.

Finally, passing such an amendment would immediately devalue all M-2 land in the City of Erie. Such devaluation would make marketing and developing existing M-2 land even more challenging for the City of Erie.

This proposed ordinance is undermining significantly the effort of business leaders and economic development professionals who work to bring more investment and jobs to our region. At its core, this amendment is anti-business. It will not provide a stable environment for future development. It will cripple business attraction efforts. It will not encourage our existing businesses to expand. It will not improve property values in the City of Erie.

We strongly recommend that City Council not enact a zoning amendment that becomes more restrictive and requires conditional approval by City Council.

Economic Development Corporation of Erie County  
Erie Regional Chamber and Growth Partnership  
Manufacturer & Business Association

July 2, 2008. City Council receive and enter in the minutes for information.

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July 2, 2008. City Council on motion of Mr. Thompson, Seconded by Mrs. Horan-Kunco adjourned at 11:50 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jenkins-Husband, Thompson and Jones. 6. Nays. 0. (Mr. Schember left the Council meeting at 11:40 a.m.)

Attest:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk