

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.m. by Chairman Figaski in the Assembly Room of the Millcreek Township Municipal Building. Present were Gerald Wolf, Joseph Kujawa, Richard Figaski, Brian McGrath, Phyllis Vollbrecht, Julie Maggio, and Richard Morris, P.E. Attorney Adair was absent.

Following the Pledge to the Flag, Chairman Figaski called for public comment on agenda items other than development or rezoning applications. No comments were received.

It was moved by Mr. McGrath, seconded by Mr. Figaski and carried to approve the minutes of the Board's October 9, 2012 meeting. Mr. Kujawa was absent.

It was moved by Mr. McGrath, seconded by Mr. Kujawa and carried by unanimous roll call vote to approve payment of the weekly General Fund bills in the amount of \$144,168.82.

The 33rd Annual "Telly" Award (bronze) was presented to the Board of Supervisors by Stanley Zlotkowski, President and owner of Z3 Concepts, Inc. who produced the video "Millcreek Township Solar Panel Project: Childrens Version." Co-producers Jason Stewart and Pete Rakoczy were also presenters. Nearly 11,000 entries from all 50 states and numerous countries were submitted. Mr. Kujawa was very involved in the solar panel video project and thanked Judy Zelina and Christine Walter (deceased) for their diligent work on the project, and his colleagues for their support of the project.

A public hearing was held on the following petitions requesting a change in zoning classification:

Husam S. and Sandra R. D. Sawwan, for property located at 2651 West 8th Street, now zoned C-2 General Commercial District, asking for a change of classification to RC Resort Commercial District.

Mrs. Maggio reported that the Millcreek Township Planning Commission recommended denial, Erie County Planning stated that the proposed zoning change is generally consistent with the Erie County Comprehensive Plan, and the Millcreek Township Future Land Use Plan shows multi-family.

Mike Sanford, Sanford Surveying & Engineering, 4721 Atlantic Avenue, told the Board the applicant withdrew his original request for rezoning to R-4 after the Planning Commission meeting and before it was supposed to come before the Supervisors. The applicant then resubmitted a request for rezoning for a lateral change from C-2 to RC based on comments made at the first Planning Commission meeting. He will not address how and when the property will be developed. The property is on the south side of West 8th Street directly across the street from the Colony Plaza between Peninsula Drive and Pittsburgh Avenue. This area is a combination of shopping, hotels, motels, restaurants, a grocery store, professional offices and other commercial uses. The applicant chose RC because it is designated multi-family or commercial which is important that residential is used in combination with business/commercial in RC according to the Future Lane Use map. Mr. Sanford does not consider this spot zoning because it is a logical extension of similar zoning use in the area. This certainly would be a good balance that encourages future land use to compliment a logical harmonious future growth of the Township. Mr. Sanford encouraged the Board to approve the rezoning.

Shelane Buehler, 100 State Street, told the Board she owns the property just to the east which is zoned commercial as is much of the neighborhood. She razed a motel, renovated the building which now has two tenants, and planned the stormwater management system to grow that property with another 8,500 square feet of building if she desires in the future. Although Mr. Sanford is not addressing access at this point, the rezoning cannot be decided without addressing access. Contractors have been cutting across her property to access the back portion to start clearing the land. There is no way to get to that portion of the property, so access is a major issue. She considers this spot zoning and it would diminish the value of her property.

Susan Passerotti, 2625 West 10th Street, said they also own property at 931 Campbell Avenue which directly east and south of the property rezoning. They are concerned about their property values but mostly the access issue. The property in question does have access from West 8th Street, but does not have access to the back section unless some clearing is done or moving of buildings.

In answer to Mr. Figaski's question regarding access, Mr. Sanford replied that access is not part of the zoning change application, it is part of land development.

The Board pointed out that the current RC Resort Commercial in the Zoning Ordinance is from West Lake Road/West 8th Street from Kelso Drive to Pittsburgh Avenue and encompasses 200 feet from the right-of-way south along West 8th Street. The parcel in question is outside of that area. The Comprehensive Plan map shows RC Commercial going as far east as Lowell Avenue. To rezone the entire property would be in conflict with the Zoning Ordinance and the Comprehensive Plan.

It was moved by Mr. Kujawa and seconded by Mr. McGrath to deny the petition to rezone 2651 West 8th Street from C-2 General Commercial District to RC Resort Commercial District. Motion carried by unanimous roll call vote.

Mark Bittner, for property located at 3410 West 26th Street, now zoned C-2 General Commercial District and I-1 Light Industrial District, asking for a change of classification to C-3 Highway Commercial District.

Mrs. Maggio reported that the Millcreek Township Planning Commission recommended approval, Erie County Planning stated that the proposed zoning change is generally consistent with the Erie County Comprehensive Plan, and the Millcreek Township Future Land Use Plan shows commercial.

Mark Bittner, 2907 Feasler Street, is owner of the 3410 West 26th Street property and owns/operates Bomar Auto Repair at this address. He would like to expand his business to sell used cars.

Mr. McGrath stated that several residents in attendance at the Planning Commission meeting were concerned that adult entertainment is a permitted use in C-3 zoning district. However, the Zoning Ordinance states that adult entertainment must be located 300 feet from the nearest property line of any premises zoned for residential purposes, this including all residential districts. The property in question is much closer than 300 feet to residential property.

It was moved by Mr. Kujawa and seconded by Mr. McGrath to approve the rezoning of 3410 West 26th Street from C-2 General Commercial District and I-1 Light Industrial District to C-3 Highway Commercial District. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Kujawa to approve Resolution 2012-R-36 proclaiming October as Fire Prevention Month with "Have Two Ways Out" as this year's theme. Also, November 6 is "Change Your Clock, Change Your Battery Day". Motion carried by unanimous roll call vote.

It was moved by M. McGrath, seconded by Mr. Kujawa and carried by unanimous roll call vote to approve Resolution 2012-R-37; a Resolution of the Board of Supervisors of the Township of Millcreek endorsing efforts of the Millcreek Mall and others to encourage youth to be a buddy, not a bully.

Bill Hitchcock, Manager of the Township Garage, secured the following quotations for a new snow plow for the Streets Department:

U. S. Municipal Supply	\$6,944.00	8 to 10 weeks delivery
Boyles Motor Sales	\$6,989.00	5 to 6 weeks delivery
Walsh Equipment	\$7,658.00	5 weeks delivery

Because of the delivery time, it was moved by Mr. Kujawa and seconded by Mr. McGrath to purchase the snow plow from Boyles Motor Sales for \$6,989.00. No public comment was received. Motion carried by unanimous roll call vote.

It was moved by Mr. Kujawa and seconded by Mr. McGrath to authorize two Engineering Department employees, a Streets Department employee and Mr. Kujawa, in his capacity as Roadmaster, to attend an LTAP Road Drainage class on October 25, 2012 in Warren County with use of a Township vehicle for transportation. No public comment was received. Motion carried by unanimous roll call vote.

It was moved by Mr. Kujawa and seconded by Mr. McGrath to authorize four Streets Department employees and Mr. Kujawa, in his capacity as Roadmaster, to attend a Winter Maintenance class on October 24, 2012 at Washington Township with use of a Township vehicle for transportation. No public comment was received. Motion carried by unanimous roll call vote.

It was moved by Mr. Figaski, seconded by Mr. McGrath to authorize Human Resource Manager Diane Lyons to attend a Labor and Employment Workers' Compensation seminar on October 18, 2012 from 1:30 p.m. to 4:30 p.m. at the Bayfront Convention Center sponsored by the McDonald Illig Jones Law Firm with no fee involved. No public comment was received. Motion carried by unanimous roll call vote.

It was recommended by Robert Mitchell, Director of Bureau of Fire Prevention, moved by Mr. McGrath and seconded by Mr. Kujawa to appoint Steve Santucci (Streets Department employee) as a member of the Millcreek Township Fire Incident Response Unit. No public comment was received. Motion carried by unanimous roll call vote.

On the recommendation of Chief Carlotti, it was moved by Mr. McGrath and seconded by Mr. Kujawa to approve the retirement of the current Police Officer Hiring Eligibility List approved by the Board on September 28, 2010 and to approve a new Police Officer Hiring Eligibility List. The Department recently completed an application/testing/interview process that produced a proposed list for the Board's consideration. No public comment was received. Motion carried by unanimous roll call vote.

There being no further business to come before the Board or citizens to be heard, it was moved by Mr. Kujawa, seconded by Mr. McGrath and carried to adjourn the meeting at 10:20 a.m.

Phyllis A. Vollbrecht
Assistant Secretary

APPROVED: October 23, 2012

Richard P. Figaski
Joseph S. Kujawa