

**MINUTES**  
**UNION CITY BOROUGH COUNCIL PUBLIC HEARING**  
**MARCH 9<sup>TH</sup>, 2010**

The Public Hearing of the Union City Borough Council was called to order at 6:20 P.M. by Councillor Steadman. The meeting was held at the Union City Area High School Large Group Instruction Room.

Councillors present were Hoban, McCrillis, Steadman and Tubbs. Councillor Brumagin arrived at 6:22 P.M. and Councillor Bowes arrived at 6:26 P.M.

Officials present were Borough Manager Cheryl Capela, Mayor Bill Hinkle, Police Chief Kevin Jones and Solicitor Timothy Wachter.

Visitors present were Dustin Kolaja.

**PURPOSE:** Councillor Steadman said the purpose of the Public Hearing is to hear public comments on the proposed amendment to the Zoning Ordinance.

Solicitor Timothy Wachter said as you know, the Borough has been investigating the possibility of amending the Zoning Ordinance for the allowance of adult-oriented businesses and adult-oriented establishments within the B-2 Zoning District.

He said everyone has been presented with the amended ordinance.

He said as we have discussed in the past, the Borough has expressed their concerns about the negative secondary effects of the operating of an adult-oriented and adult entertainment establishments in surrounding businesses and residential neighborhoods and has through this process had the opportunity to review certain studies conducted by other municipalities that have spoken to the negative

secondary effects.

He said that Borough Council is anticipating passage of an Ordinance tonight at their regularly scheduled monthly meeting expanding the Public Indecency Ordinance which will further regulate the operation of these establishments.

He said in doing so, the Borough has made expressed findings that the presence of adult entertainment and adult-oriented establishments have negative secondary effects of decreasing commercial and residential property value, attracting transient, increase in traffic and parking problems, traffic accidents, littering, increasing retail trade resulting in loss of business as well as increasing certain lewd and immoral and indecent activities of crime. He said such acts which are detrimental to the public health, safety and welfare could lead to the debasement of children, women and men, the exposure of minors to indecent activities and the promotion of violence, intoxication and other serious criminal activities.

He said the Public Indecency Ordinance does provide for criminal offenses to be enforced by the Chief of Police or his designee.

He said the proposed Zoning Ordinance amends Section 202 of the Boroughs Zoning Ordinance Number 910 to give definition of adult bookstore, adult drive-in mini theater, adult entertainment, adult mini-motion picture theater, adult motion picture theater, adult oriented establishment, adult-oriented merchandise, adult retail use establishment, nude, nudity, public indecency, public place, specified anatomical areas, and specified sexual activities.

He said also in Section 405 of the Boroughs Zoning Ordinance, the Borough has proposed to include adult-oriented establishment as a permitted principle use in a B-2 Business District.

He said the Borough at this point would have a policy decision that could be made, which could allow for adult-oriented establishments to be a conditional use in a B-2 District.

He said the text of this ordinance has been provided to the Union Area Planning Commission and the Erie County Department of Planning. He said they have taken a look at it and forwarded correspondence back to the Borough and it appears that the proposed Zoning amendment is consistent with the Erie County Comprehensive Plan.

He said with respect to the negative secondary effects that are a result of the operation of adult entertainment and adult-oriented establishments, a resolution has been prepared and will be presented to Borough Council at their regularly scheduled meeting for this evening.

He said with respect to the studies, these studies have been presented to Borough Council for their review. He said these studies have been read, explained and discussed at their meetings.

He said the proposed areas to zone these in, are the old Ethan Allen Building, Union City Chair Factory and the area around True Temper Corporation.

He said the operation of adult-oriented establishments within the Borough of Union City is a reality that must be dealt with in the Zoning Ordinance amendment as proposed. He said the proposed amendment deals with it in a manner that is best possible to the limits of the constitutional availability in order to limit the use of this in the regulation of these activities.

He said the Zoning Ordinance specifically speaks to the location and does not speak to the regulation of the business of it. He said however, it does work in conjunction with the Public Indecency Ordinance.

He said it is on the agenda for this evening for Borough Council to approve the advertisement of the Zoning Ordinance.

He said this does not change the Zoning Map.

He said a law was passed about a year and one-half ago, which allows for municipalities which are amending zoning ordinances to take certain procedures and certain notifications after the adoption which would insure that the ordinance is adopted appropriately and that certain notification are done in a comprehensive manner such that no one will be able to claim at any point that the manner of adoption was unconstitutional or illegal.

He asked “are there any questions from Borough Council?” There were no questions.

President Brumagin opened the floor for any questions from the public. There were no questions from the public.

**ADJOURNMENT:** It was moved by Councillor Steadman and seconded by Councillor Tubbs that the hearing be adjourned. Motion carried.

The hearing adjourned at 6:35 P.M.

ATTEST: \_\_\_\_\_  
Borough Manager