

**RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

MONDAY, APRIL 5, 2010

20

The regular meeting of the Bowling Green City Council, held in the Council Chamber, 304 North Church Street, Bowling Green, Ohio was called to order at 8:00 p.m. by Council President Zanfardino. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, and Zanfardino responded. Council Member McOmber was not present. Also present were Mayor John Quinn, Municipal Administrator John Fawcett, City Attorney Michael Marsh, Public Works Director Brian Craft, Utilities Director Kevin Maynard, and Acting Planning Director Heather Saylor. Parks and Recreation Director Michelle Grigore was not present.

Council President Zanfardino declared the minutes of the meeting held March 15, 2010 approved as distributed.

CORRESPONDENCE

Clerk noted for the record that the Municipal Court's annual report was received on March 12, 2010 and distributed to Council as required.

OFFICIAL REPORTS

Mayor Quinn presented a proclamation to Barbara Keller, Chair of the Human Relations Commission, proclaiming the month of April as "Fair Housing Month" in the City of Bowling Green.

Barbara Keller, on behalf of the Human Relations Commission, presented the Commission's *Honor Roll Award* to The Deacons' Shop from the First Presbyterian Church for their service to the community.

Municipal Administrator John Fawcett reported that the City received notification that there will be an 8% increase in the CDBG grant for FY2010. Fawcett noted that the City anticipated receiving \$303,500, but is now receiving \$326,962. The additional funds will probably be used for the City's transit service.

Fawcett noted that 16 short term meters in City Lot #1 are being converted to long term meters by May 1 in order to provide additional long term parking in the central downtown area.

Fawcett requested an Executive Session at the end of this evening's meeting to discuss a land acquisition issue.

Acting Planning Director Heather Saylor had no report.

Parks and Recreation Director was not present.

City Attorney Michael Marsh had no report.

Utilities Director Kevin Maynard had no report.

Public Works Director Brian Craft had no report.

NEW LEGISLATION

The following new legislation was recommended by the Administration and presented to Council for introduction:

Council Member Kuhlman, for the Committee-of-the-Whole, introduced an ordinance enacting and adopting the S-2 Supplement to the Code of Ordinances for the City of Bowling Green, Ohio, and declaring an emergency.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to enter into a contract or contracts with Interstate Gas Supply (IGS) to provide a fixed price option to municipal natural gas aggregation customers, and declaring an emergency.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to execute the 7th modification to the Northwest AMP Service Group (NWSAG) Pool Participant Schedule.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to execute an approval letter to American Municipal Power, Inc., for the purchase of long term power resources from Northwest AMP Service Group (NWSAG) Power Pool.

Council Member Aspacher, for the Public Utilities Committee, introduced an ordinance authorizing the Utilities Director to advertise for bids and enter into a contract or contracts to perform sewer relining and sewer replacement work in the 200 and 300 blocks of East Wooster Street as part of the East Wooster Street redevelopment project, and declaring an emergency.

COUNCIL COMMITTEE REPORTS

Council President Zarfardino reminded Council Members of the Community Improvement Committee meeting scheduled for 7:00 p.m. on April 19 to discuss recommendations from the Ad Hoc Housing Committee.

LOBBY VISITATIONS

There were no lobby visitations.

READING OF LEGISLATION

Clerk read Ordinance #8005 enacting and adopting the S-2 Supplement to the Code of Ordinances for the City of Bowling Green, Ohio, and declaring an emergency, for first reading.

Council Member Kuhlman moved, Dunn seconded, to suspend the rules and give Ordinance #8005 its second and third reading. On roll call vote, Council Members Dunn, Frost, Hollenbaugh, Kuhlman, Zarfardino, and Aspacher voted yes. Council President Zarfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8005 for second and third reading by number and title only.

Council Member Kuhlman moved, Frost seconded, to adopt the emergency clause for Ordinance #8005. On roll call vote, Council Members Frost, Hollenbaugh, Kuhlman, Zarfardino, Aspacher, and Dunn voted yes. Council President Zarfardino declared motion carried, and the emergency clause adopted.

Council Member Dunn moved, Dunn seconded, to adopt Ordinance #8005. On roll call vote, Council Members Hollenbaugh, Kuhlman, Zarfardino, Aspacher, Dunn, and Frost voted yes. Council President Zarfardino declared motion carried, and Ordinance #8005 adopted.

Clerk read Ordinance #8006 authorizing the Utilities Director to enter into a contract or contracts with Interstate Gas Supply (IGS) to provide a fixed price option to municipal natural gas aggregation customers, and declaring an emergency, for first reading.

Council Member Aspacher moved, Hollenbaugh seconded, to suspend the rules and give Ordinance #8006 its second and third reading. On roll call vote, Council Members Kuhlman, Zarfardino, Aspacher, Dunn, Frost, and Hollenbaugh voted yes. Council President Zarfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8006 for second and third reading by number and title only.

Council Member Aspacher moved, Frost seconded, to adopt the emergency clause for Ordinance #8006. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member Aspacher moved, Kuhlman seconded, to adopt Ordinance #8006. On roll call vote, Council Members Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Ordinance #8006 adopted.

Clerk read Ordinance #8007 authorizing the Utilities Director to execute the 7th modification to the Northwest AMP Service Group (NWSAG) Pool Participant Schedule, for first reading.

Clerk read Ordinance #8008 ordinance authorizing the Utilities Director to execute an approval letter to American Municipal Power, Inc., for the purchase of long term power resources from Northwest AMP Service Group (NWSAG) Power Pool, for first reading.

Council Member Aspacher moved, Frost seconded, to suspend the rules and give Ordinance #8008 its second and third reading. On roll call vote, Council Members Dunn, Frost, Hollenbaugh, Kuhlman, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8008 for second and third reading by number and title only.

Council Member Aspacher moved, Kuhlman seconded, to adopt the emergency clause for Ordinance #8008. On roll call vote, Council Members Frost, Hollenbaugh, Kuhlman, Zanfardino, Aspacher, and Dunn voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member Zanfardino moved, Frost seconded, to adopt Ordinance #8008. On roll call vote, Council Members Hollenbaugh, Kuhlman, Zanfardino, Aspacher, Dunn, and Frost voted yes. Council President Zanfardino declared motion carried, and Ordinance #8008 adopted.

Clerk read Ordinance #8009 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts to perform sewer relining and sewer replacement work in the 200 and 300 blocks of East Wooster Street as part of the East Wooster Street redevelopment project, and declaring an emergency, for first reading.

Clerk read Ordinance #8001 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts for the design and construction of a skate park to be located in Bowling Green City Park, for second reading.

Clerk read Ordinance #8002 amending and adopting Section 93.01, Section 93.14(A), Section 93.99 and Section 150.69 of the Codified Ordinances of the City of Bowling Green, Ohio, to delete reference to BOCA, for second reading.

Clerk read Ordinance #8003 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts and/or participate in State of Ohio purchase programs for the purchase of equipment as well as the trade-in, transfer, or sale of said equipment replaced by Utility Divisions, for second reading.

Clerk read Ordinance #8004 authorizing the Utilities Director to enter into a contract or contracts for the purchase and replacement of a Chemco lime feeder and slaker at the Water Treatment Plant, without advertising for competitive bids, for second reading.

Clerk read Ordinance #7994 certifying unpaid cost of snow removal to the County Auditor for placement on the tax duplicate, for third reading.

Council Member Frost moved, Dunn seconded, to adopt Ordinance #7994. On roll call vote, Council Members Kuhlman, Zanfardino, Aspacher, Dunn, Frost, and Hollenbaugh voted yes. Council President Zanfardino declared motion carried, and Ordinance #7994 adopted.

Clerk read Ordinance #7996 authorizing the commencement of legal proceedings to appropriate various permanent and temporary interests in certain property for the purpose of widening North Main Street within the City of Bowling Green, Ohio; authorizing the deposit of funds with the court, for third reading.

Council Member Hollenbaugh moved, Kuhlman seconded, to adopt Ordinance #7996. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and Ordinance #7996 adopted.

Clerk read Ordinance #7997 authorizing the Municipal Administrator to request proposals and enter into a contract for the purchase of transportation service for the Bowling Green Transit Program, for third reading.

Council Member Hollenbaugh moved, Aspacher seconded, to adopt Ordinance #7997. On roll call vote, Council Members Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Ordinance #7997 adopted.

Clerk read Ordinance #7999 abolishing Section 30.117 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding the Outdoor Advertising Commission, for third reading.

Council Member Frost moved, Dunn seconded, to adopt Ordinance #7999. On roll call vote, Council Members Dunn, Frost, Hollenbaugh, Kuhlman, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and Ordinance #7999 adopted.

Council Member Frost moved, Dunn seconded, to adopt Ordinance #7989 establishing interim zoning of M-1 Light Industrial zoning for the approximately 1.413 acres of land generally known as 10500 Bowling Green Road East, and recently annexed to the City by Wood Lane Residential Properties, Inc. On roll call vote, Council Members Frost, Hollenbaugh, Kuhlman, Zanfardino, Aspacher, and Dunn voted yes. Council President Zanfardino declared motion carried, and Ordinance #7989 adopted.

Council Member Frost moved, Aspacher seconded, to adopt Ordinance #7990 establishing interim zoning of M-1 Light Industrial zoning for the approximately 20 acres of land on Bowling Green Road East, and recently annexed to the City by Robert & Patricia Maurer. On roll call vote, Council Members Hollenbaugh, Kuhlman, Zanfardino, Aspacher, Dunn, and Frost voted yes. Council President Zanfardino declared motion carried, and Ordinance #7990 adopted.

Council Member Frost moved, Dunn seconded, to adopt Ordinance #7991 establishing interim zoning of M-1 Light Industrial zoning for the approximately 5 acres of land generally known as 10444 Bowling Green Road East, and recently annexed to the City by Bowling Green Congregation of Jehovah's Witnesses. On roll call vote, Council Members Kuhlman, Zanfardino, Aspacher, Dunn, Frost, and Hollenbaugh voted yes. Council President Zanfardino declared motion carried, and Ordinance #7991 adopted.

Council Member Frost moved, Dunn seconded, to amend by substitution Ordinance #7992 amending the Zoning District Map of the City of Bowling Green, Ohio, for approximately .6465 acres of land on Gorrell Avenue now owned by the Bowling Green Board of Education from S-3 Planned Institutional to M-1 Light Industrial zoning, to B-1 Neighborhood Commercial rather than the S-3 Planned Institutional zoning. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and Ordinance #7992 amended by substitution.

Council Member Frost moved, Dunn seconded, to table Ordinance #7992 until April 19, 2010 to allow time for citizen input. On roll call vote, Council Members Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Ordinance #7992 tabled until April 19, 2010.

Council Member Dunn moved, Kuhlman seconded, to excuse Council Member McOmber from this evening's meeting. On unanimous voice vote, Council President Zanfardino declared motion carried.

Council Member Dunn brought up for discussion the closing of the City's yard waste drop off site as a result of a failed .08 income tax increase on the November ballot, and asked Municipal Administrator John Fawcett to report on an alternative plan that he previously discussed with Fawcett. Dunn indicated that he proposed a special Friday yard waste curbside pickup which would be optional and involve a fee to those who participate. Fawcett distributed a chart of projected costs involved on an annual basis for curbside yard waste collection. Fawcett indicated that these projected costs are based on a "best guess" scenario and shows that if 5500 residents participated in the program the cost would be approximately \$12.72/month. Fawcett said that if fewer people participated than the cost would go up accordingly.

Several Council Members indicated that they have been contacted by constituents on this issue and fear that having no system in place would lead residents to put yard waste in refuse containers or dump it along roadsides at the edge of town, both of which are illegal. Council Member Frost noted that he is hesitant to rush back in and reopen the drop off point and thinks that more time needs to be spent educating the public about other options. Council Member Hollenbaugh noted that the original purpose of closing the drop off site was to cover budget shortfalls and indicated that before any decisions are made he would like to see the City's revenue figures for the month of March to help make a decision on whether to reopen the drop off site. Fawcett said that those figures will be forthcoming in the next few days. Fawcett also asked Council Members to survey their constituents to see if they are interested in a "pay for service" type of yard waste disposal before going forward.

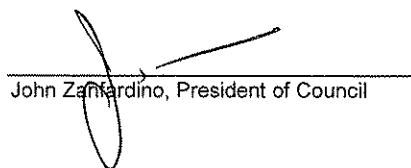
Council Member Dunn moved, Frost seconded, to move Council into Executive Session at 9:02 p.m. for the purpose of discussing a land acquisition issue. On roll call vote, Council Members Dunn, Frost, Hollenbaugh, Kuhlman, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried.

Council Member Frost moved, Aspacher seconded, to move Council out of Executive Session at 9:27 p.m. On roll call vote, Council Members Frost, Hollenbaugh, Kuhlman, Zanfardino, Aspacher, and Dunn voted yes. Council President Zanfardino declared motion carried.

Council Member Kuhlman moved, Frost seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the April 5, 2010 regular meeting of the City Council at 9:29 p.m., subject to call.



Kay D. Spierreik, Clerk of Council



John Zanfardino, President of Council