

RECORD OF PROCEEDINGS
CITY OF BOWLING GREEN CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

MONDAY, JULY 19, 2010

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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, McOmber, and Zanfardino responded. Also present were Mayor John Quinn, Municipal Administrator John Fawcett, City Attorney Michael Marsh, Parks and Recreation Director Michelle Grigore, Public Works Director Brian Craft, and Planning Director Heather Sayler. Utilities Director Kevin Maynard was not present.

Council President Zanfardino declared the minutes of the meeting held July 6, 2010 approved as distributed.

CORRESPONDENCE

Clerk noted that a listing of budget transfers for the month of July was received from Finance Director Brian Bushong and distributed to Council prior to the meeting for approval. Council Member Kuhlman moved, McOmber seconded, to approve the transfers as presented. On unanimous voice vote, Council President Zanfardino declared motion carried. A copy of the transfers is attached and made a part of these minutes.

Clerk noted that copies of the Budget Summary Report for the month of June 2010 was distributed to Council prior to this evening's meeting.

Clerk also noted that received from the Ohio Division of Liquor Control was an application for a transfer of a Class D5 liquor permit from BG Brewsters, dba Brewsters Pourhouse, located at 135 N. Main Street, Bowling Green, to NWA Entertainment LLC, dba Tubbys at the same location. A check of the records was performed and no hearing requested.

OFFICIAL REPORTS

Mayor John Quinn welcomed Ramona Cormier to the meeting and asked President of Council John Zanfardino to come forward to present her with the framed copy of the resolution Council adopted honoring her service on the Board of Public Utilities.

Mayor Quinn introduced Barbara Keller, Chair of the Human Relations Commission. Ms. Keller presented the quarterly *Honor Roll Award* to Julie George, Director of Global Connections for their work with the international community in Bowling Green.

Municipal Administrator John Fawcett had no report.

Planning Director Heather Sayler reported that the issuance of zoning permits is down 22% compared to this time last year. Sayler also reported that there have been 6 permits issued for the construction of single family housing versus 5 at this time last year.

Parks and Recreation Director Michelle Grigore had no report.

City Attorney Michael Marsh had no report.

Utilities Director Kevin Maynard was not present.

Public Works Director Brian Craft updated Council on the North Main Street project indicating that the project is nearing its final stages. Craft also reported regarding the "Lost Block" project noting that the contractor is set to begin the work this week.

NEW LEGISLATION

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

Council Member McOmber, for the Finance Committee, introduced a resolution transferring previously appropriated funds.

Council Member McOmber, for the Finance Committee, introduced an ordinance authorizing the Municipal Administrator to sign a contract with the Bowling Green Municipal Employees Association (BGMEA), and declaring an emergency.

COUNCIL COMMITTEE REPORTS

Council President Zanfardino reported that Council met as the Committee-of-the-Whole earlier this evening to begin discussions of the use of biofuel burners in the City. Zanfardino noted that the committee will meet again in the future to further discuss possible legislation.

LOBBY VISITATIONS

Barbara Ruland, Downtown BG, thanked the city and the many volunteers for their work involved at the recently car show held in the downtown area.

READING OF LEGISLATION

Clerk read Resolution #3439 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Aspacher seconded, to suspend the rules and give Resolution #3439 its second and third reading. On roll call vote, Council Members Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Resolution #3439 for second and third reading by number and title only.

Council Member McOmber moved, Frost seconded, to adopt Resolution #3439. On roll call vote, Council Members Frost, Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, and Dunn voted yes. Council President Zanfardino declared motion carried, and Resolution #3439 adopted.

Clerk read Ordinance #8036 authorizing the Municipal Administrator to sign a contract with the Bowling Green Municipal Employees Association (BGMEA), and declaring an emergency, for first reading.

Council Member McOmber moved, Dunn seconded, to suspend the rules and give Ordinance #8036 its second and third reading. On roll call vote, Council Members Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, and Frost voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8036 for second and third reading by number and title only.

Council Member McOmber moved, Frost seconded, to adopt the emergency clause for Ordinance #8036. On roll call vote, Council Members Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, Frost, and Hollenbaugh voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Kuhlman seconded, to adopt Ordinance #8036. On roll call vote, Council Members McOmber, Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and Ordinance #8036 adopted.

Clerk read Resolution #3437 authorizing the filing of (a) proposal(s) and/or (an) application(s) with the Ohio Department of Transportation for grants through the U.S. Department of Transportation Federal Transit Administration (FTA), as authorized under Federal Transit Laws, as codified, 49 USC Section 5311 financial assistance for other than urbanized areas and funds available from the Ohio Public Transportation Grant Program, executing a contract/grant for the FY 2011 Ohio Elderly and Disabled Transit Fare Assistance Program, and executing a contract with the Ohio Department of Transportation upon grant proposal and/or application approval, for third reading.

Council Member Zanfardino moved, Dunn seconded, to adopt Resolution #3439. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, and McOmber voted yes. Council President Zanfardino declared motion carried, and Resolution #3437 adopted.

Clerk read Ordinance #8025 amending and adopting Sections 33.20(E), (F) and (G) of the Codified Ordinances of the City of Bowling Green, Ohio, relating to holiday pay, for third reading.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #8025. On roll call vote, Council Members Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Ordinance #8025 adopted.

Clerk read Ordinance #8026 for cleaning of streets by special assessment, for third reading.

Council Member McOmber moved, Dunn seconded, to adopt Ordinance #8026. On roll call vote, Council Members Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and Ordinance #8026 adopted.

Clerk read Ordinance #8027 adopting Section 95.01(C)(3) and amending Section 95.03(A), and adopting Section 95.13(G) of the Codified Ordinances of the City of Bowling Green, Ohio, as amended and presently written, increasing the rate of municipal income tax by 0.08% effective January 1, 2011 until repealed in accordance with law to provide additional funds to provide for firefighters/emergency medical technicians and staff and equipment to provide fire and ambulance service for the City of Bowling Green, and providing for the form of the ballot language, and declaring an emergency, for third reading.

Council Member McOmber moved, Kuhlman seconded, to adopt the emergency clause for Ordinance #8027. On roll call vote, Council Members Frost, Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, and Dunn voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Dunn seconded, to adopt Ordinance #8027. McOmber read a prepared statement regarding the proposed income tax increase ballot issue (a copy is attached and made a part of these minutes).

Council Member Aspacher commented that he does not take lightly any request for additional money from the taxpayers and realizes that any increase will present a hardship for some of the City's residents. Aspacher noted that it will be necessary to demonstrate the need for the additional fire and emergency funds and that this tax increase is just a stop-gap measure. Aspacher also noted that he has learned from talking to some constituents, that some want more and longer-lasting reductions in expenditures.

Council Member Dunn commented that there have already been many cuts to the City's budget and the time has come to ask the citizens if they really want specific further cuts to be made.

Council Member Hollenbaugh noted that the City will ultimately balance the budget in some fashion. He also noted that some citizens assume that waste on the federal level translates to local government, but that there is very little, if any, waste in the City's budget.

On roll call vote, Council Members Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, and Frost voted yes. Council President Zanfardino declared motion carried, and Ordinance #8027 adopted.

Clerk read Ordinance #8029 amending and adopting Section 115.02(B) & (E)(2) of the Codified Ordinances of the City of Bowling Green, Ohio, relating to advertising on public property, for third reading.

Council Member Dunn moved, Kuhlman seconded, to adopt Ordinance #8029. On roll call vote, Council Members Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and Ordinance #8029 adopted.

Clerk read Ordinance #8031 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for the Poe/Mercer Road pump station improvements and installation of a third screw pump at the Water Pollution Control Facility, for third reading.

Council Member Aspacher moved, Dunn seconded, to adopt Ordinance #8031. On roll call vote, Council Members McOmber, Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and Ordinance #8031 adopted.

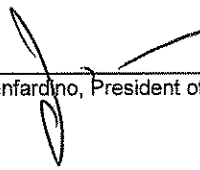
Clerk read Ordinance #8032 authorizing the Utilities Director to accept electric and utility easements from Nietz and Green, LLC, Nietz and Green Partnership, and Scott A. Root and Mark W. Root for various electric relocation projects, for third reading.

Council Member Aspacher moved, McOmber seconded, to adopt Ordinance #8032. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #8032 adopted.

Council Member Frost moved, Kuhlman seconded, to adopt Ordinance #8023 approving the S-District Site Plan for the proposed skate park to be located in City Park. On roll call vote, Council Members Aspacher, Dunn, Frost, Hollenbaugh, Kuhlman, McOmber, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Ordinance #8023 adopted.

Council Member Kuhlman moved, Dunn seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the July 19, 2010 regular meeting of the City Council at 8:45 p.m., subject to call.


Kay D. Scherreik, Clerk of Council


John Zanfardino, President of Council



July 19, 2010

TO: Bowling Green City Council

FROM: Brian Bushong, Finance Director

Transfers requested for the month of July include:

Fund	Dept.	Account	Description	From	To
1010	190	92200	General, Miscellaneous, Transfer To Special Revenue	\$ 1,770.00	
2021	000	69410	ODOT Transportation Grant (Taxi), Revenue, Transfer From General		\$ 1,770.00
1010	190	92400	General, Miscellaneous, Transfer To Capital Projects	\$ 2,898.33	
4030	000	69410	Green Space Acquisition Fund, Revenue, Transfer From General		\$ 2,898.33
2078	170	92300	Municipal Court Special Projects, Municipal Court, Transfer To Debt Service	\$ 7,500.00	
3025	000	69420	Debt Service, Revenue, Transfer From Special Revenue		\$ 7,500.00
4018	810	92300	Capital Improvement, Capital Improvement, Transfer To Debt Service	\$ 35,427.08	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 35,427.08
4018	810	92400	Capital Improvement, Capital Improvement, Transfer To Capital Projects	\$ 2,083.33	
4010	000	69440	Facility Capital Reserve, Revenue, Transfer From Capital Projects		\$ 2,083.33
4029	423	92300	Street Repair, Street Repair, Transfer To Debt Service	\$ 14,789.58	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 14,789.58
4052	810	92300	Community Center, Capital Improvement, Transfer To Debt Service	\$ 22,899.00	
3025	000	69440	Debt Service, Revenue, Transfer From Capital Projects		\$ 22,899.00

5111	651	92500	Electric Revenue, Administrative and General, Transfer To Enterprise	\$ 142,033.33	
5112	000	69450	Electric Capital Reserve, Revenue, Transfer From Enterprise		\$ 142,033.33
5331	651	92500	Sewer Revenue, Administrative and General, Transfer To Enterprise	\$ 1,833.33	
5332	000	69450	Sewer Capital Reserve, Revenue, Transfer From Enterprise		\$ 1,833.33
Total				\$ 231,233.98	\$ 231,233.98

Statement read by Council Member McOmber at the 7/19/10 meeting:

I have thought long and hard about what to say tonight in regard to the proposed levy. Although there is much I would like to say, I realize there is value in keeping my comments brief.

The proposed levy is a referendum on whether voters prefer a modest increase in the City's income tax rate or cutbacks in what are considered "core" services. Your reaction to the statement I just made may be that you do not like either alternative. Neither do I. But the facts are that the City's major funds that support day-to-day operations are going to run out of money unless revenues increase or expenses decrease. For the Fire Levy Fund, total depletion of the fund is only a few months away.

On the revenue side of things, it does not appear that any economic recovery will take place in the short term that will result in any substantial increase in revenues. Thus, revenues will only increase if the tax rate increases.

On the expense side, the City has vigorously tried to reduce expenses for 2-3 years now in ways that are not noticed by the average citizen. Had these measures not been taken, it is quite likely that both the Fire Levy Fund and the General Fund would already be insolvent. The City has allowed the workforce to become smaller through attrition, cut operating budgets, moved money among funds to the limited extent allowable by law and used up surplus (or carryover) balances that existed. But at some point you run out of options that do not involve a loss of services. With this levy, we are telling the general public that we are at that point.

I hope that voters will recognize how modest an increase is being requested. The City only taxes "earned income", so pensions, dividends, interest and Social Security receipts are untaxed. For those who have earned income, we are asking for an additional 8 cents out of each \$100 earned. Someone with earned income of \$50,000 a year would pay an extra \$40.

I feel that I need to say something about how BG's income tax dollars are divided up, something which most citizens are unaware of. Per our City ordinances, about 60 cents of each income tax dollar collected goes toward paying for day-to-day operations of the City. The other 40 cents is committed to funds that support the City's infrastructure. This split is significant. Most municipalities commit a much smaller percentage, if anything, of their tax dollars to their infrastructure.

The result of this forced split of income tax dollars is that Bowling Green has a very, very good infrastructure. Our roads are kept in good repair. Our water and sewer rates are a small fraction of virtually all of our neighbors because millions of dollars are directed each year into the Water and Sewer Capital Improvement Fund. But the downside of this tax structure is that funds that pay for daily operations can get in trouble quickly if overall tax revenues are not growing. Those dollars allocated to the infrastructure cannot be used to fund daily operations.

I should add one more sobering thought to these comments. Raising the tax rate from 1.92% to 2.0% will not solve our financial problems in the long run if the economy continues to languish for a number of years. This is truly a modest increase. It will keep the wolf from the door in the short run. I do not believe that raising the tax rate above 2.0% is an acceptable alternative if our financial problems do not subside, but that is a discussion for another day. But I do not want to misrepresent this proposal for more than what it is.

I strongly support raising the tax rate to 2.0%. A 2.0% rate is far and away the most common municipal tax rate in Ohio among communities that provide a full set of services. For the services provided and superb infrastructure we enjoy, I believe a 2.0% tax rate is a good and fair value for the money.