

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10146

Held

**TUESDAY, JULY 6, 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, Hollenbaugh, Kuhlman, McOmber, and Zanfardino responded. Council Member Frost was not present. Also present were Mayor John Quinn, Municipal Administrator John Fawcett, City Attorney Michael Marsh, Public Works Director Brian Craft, and Utilities Director Kevin Maynard Parks and Recreation Director Michelle Grigore and Planning Director Heather Saylor were not present.

Council President Zanfardino declared the minutes of the meeting held June 21, 2010 approved as distributed.

**CORRESPONDENCE**

Clerk noted that received from the Ohio Division of Liquor Control was a request for a transfer of a Class D5 liquor permit from Bowling Green State University Bowen Thompson Student Union to Compass Group USA, Inc., at the same location. A check of the records from the Police Division revealed no detrimental information.

**OFFICIAL REPORTS**

Mayor John Quinn announced that Heather Saylor has been appointed to the position of Planning Director.

Mayor Quinn introduced Richard Garcia from Liberty Mutual who presented a check for \$10,000 to Earlene Kilpatrick of the Chamber of Commerce, Pastor Dennis Grugger of the Bowling Green Alliance Church, and Charlie Bechstein of First Federal Bank, and congratulated them on their successful efforts to raise money for Bowling Green's annual fireworks display. Mr. Garcia noted that Bowling Green was one of ten cities winning the competition held by Liberty Mutual.

Municipal Administrator John Fawcett reported that the contractor on the "Lost Blocks" project on East Wooster Street had an opening in their schedule and will begin work on that area next week. The expected completion date is October 15, 2010.

Fawcett noted that a piece of legislation was given to Council prior to the meeting to authorize approval of the contract with the Bowling Green Police Command Officers union. Fawcett reported that there are nine members in this union and the negotiations included a 2% wage increase effective at the end of the year. Fawcett noted that the cost for that wage increase will be rolled into the 2011 budget.

Planning Director Heather Saylor was not present.

Parks and Recreation Director Michelle Grigore was not present.

City Attorney Michael Marsh had no report.

Utilities Director Kevin Maynard had no report but responded to questions posed to him by Council Members regarding drainage issues recently brought to Council's attending by a citizen.

Public Works Director Brian Craft updated Council regarding the current North Main Street project.

**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 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2010 and ending December 31, 2010.

Council Member McOmber, for the Finance Committee, introduced an ordinance authorizing the Municipal Administrator to sign a contract with the Bowling Green Police Command Officers Association, and declaring an emergency.

Council Member Hollenbaugh, for the Transportation and Safety Committee, introduced an ordinance authorizing the Municipal Administrator to request proposals and enter into a contract for the purchase of transportation service for the Bowling Green Transit Program, and declaring an emergency.

#### **COUNCIL COMMITTEE REPORTS**

Council President Zanfardino announced that there will be a meeting of the Committee-of-the-Whole on Monday, July 19, at 7:00 p.m. in the Council Chamber to discuss biofuel burners.

#### **LOBBY VISITATIONS**

Barbara Ruland, Downtown BG, addressed Council regarding the upcoming *Classics on Main* car show that will be held this weekend in the downtown area from noon to 4:00 p.m.

Earlene Kilpatrick, Bowling Green Chamber of Commerce, expressed her thanks to everyone involved with bringing back the fireworks for the 4<sup>th</sup> of July. She especially thanked Pastor Dennis Grugger of the Bowling Green Alliance Church for starting up the efforts to raise the necessary funds. Ms. Kilpatrick noted that with the money raised from the community and the \$10,000 grant from Liberty Mutual, there are enough funds for next year's display as well.

William Herald, 1030 Conneaut Avenue, expressed his support for proposed Ordinance #8020 and the proposed demolition of the former Junior High building. He praised the leadership of the Mayor for his role in this endeavor.

#### **READING OF LEGISLATION**

Clerk read Resolution #3438 transferring previously appropriated funds, for first reading.

Council Member McOmber moved, Dunn seconded, to suspend the rules and give Resolution #3438 its second and third reading. On roll call vote, Council Members Dunn, Hollenbaugh, Kuhlman, McOmber, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Resolution #3438 for second and third reading by number and title only.

Council Member McOmber moved, Aspacher seconded, to adopt Resolution #3438. On roll call vote, Council Members Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, and Dunn voted yes. Council President Zanfardino declared motion carried, and Resolution #3438 adopted.

Clerk read Ordinance #8033 providing supplemental appropriations for the current expenses and other expenditures of the City of Bowling Green, Ohio, during the fiscal year beginning January 1, 2010 and ending December 31, 2010, for first reading.

Council Member McOmber, moved, Dunn seconded, to suspend the rules and give Ordinance #8033 its second and third reading. On roll call vote, Council Members Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, and Hollenbaugh voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8033 for second and third reading by number and title only.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #8033. On roll call vote, Council Members McOmber, Zanfardino, Aspacher, Dunn, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and Ordinance #8033 adopted.

Clerk read Ordinance #8034 authorizing the Municipal Administrator to sign a contract with the Bowling Green Police Command Officers Association, and declaring an emergency, for first reading.

Council Member McOmber moved, Kuhlman seconded, to suspend the rules and give Ordinance #8034 its second and third reading. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Hollenbaugh, Kuhlman, and McOmber voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8034 for second and third reading by number and title only.

Council Member McOmber moved, Dunn seconded, to adopt the emergency clause for Ordinance #8034. On roll call vote, Council Members Aspacher, Dunn, Hollenbaugh, Kuhlman, McOmber, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #8034. On roll call vote, Council Members Dunn, Hollenbaugh, Kuhlman, McOmber, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and Ordinance #8034 adopted.

Clerk read Ordinance #8035 authorizing the Municipal Administrator to request proposals and enter into a contract for the purchase of transportation service for the Bowling Green Transit Program, and declaring an emergency, for first reading.

Council Member Hollenbaugh moved, Kuhlman seconded, to suspend the rules and give Ordinance #8035 its second and third reading. On roll call vote, Council Members Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, and Dunn voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8035 for second and third reading by number and title only.

Council Member Hollenbaugh moved, Dunn seconded, to adopt the emergency clause for Ordinance #8035. On roll call vote, Council Members Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, and Hollenbaugh voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member Hollenbaugh moved, Kuhlman seconded, to adopt Ordinance #8035. On roll call vote, Council Members McOmber, Zanfardino, Aspacher, Dunn, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and Ordinance #8035 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 second reading.

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 second reading.

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

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 second reading.

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 second reading.

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 second reading.

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 second reading.

Clerk read Resolution #3432 approving the petitions for renewal and the Plan of Services to be provided by the Bowling Green Central Business Special Improvement District, Inc., approving the properties of the municipal corporation in said Plan of Services, and approving the City of Bowling Green's cooperative cost share, for third reading.

Council Member Zanfardino moved, McOmber seconded, to adopt Resolution #3432. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Hollenbaugh, Kuhlman, and McOmber voted yes. Council President Zanfardino declared motion carried, and Resolution #3432 adopted.

Clerk read Resolution #3433 declaring the necessity to implement the Plan of Services adopted by the Bowling Green Central Business Special Improvement District, Inc., as approved in Resolution No. 3432 and declaring the necessity to levy a special assessment for the services set forth in said plan upon the lots and lands benefiting under the plan, for third reading.

Council Member Zanfardino moved, Dunn seconded, to adopt Resolution #3433. On roll call vote, Council Members Aspacher, Dunn, Hollenbaugh, Kuhlman, McOmber, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Resolution #3433 adopted.

Clerk read Resolution #3434 adopting the Estimate of Revenues for the year 2011, for third reading.

Council Member McOmber moved, Kuhlman seconded, to adopt Resolution #3434. On roll call vote, Council Members Dunn, Hollenbaugh, Kuhlman, McOmber, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and Resolution #3434 adopted.

Clerk read Ordinance #8020 authorizing the Municipal Administrator to advertise for bids and enter into a contract or contracts to abate asbestos at the property generally known as 215 West Wooster Street (the former Junior High building), and demolish the structures and improvements at said location, and remove all debris and materials from the site, and landscape the site and make the site suitable for future municipal and public purposes, for third reading.

Council Member Dunn moved, McOmber seconded, to adopt Ordinance #8020. On roll call vote, Council Members Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, and Dunn voted yes. Council President Zanfardino declared motion carried, and Ordinance #8020 adopted.

Clerk read Ordinance #8021 authorizing the Utilities Director to execute revised Load Management Schedule LM-1 to an agreement between American Municipal Power, Inc., and the City of Bowling Green, AMP-Ohio Generic Contract Number C-11-2005-4433, for third reading.

Council Member Aspacher moved, Kuhlman seconded, to adopt Ordinance #8021. On roll call vote, Council Members Kuhlman, McOmber, Zanfardino, Aspacher, Dunn, and Hollenbaugh voted yes. Council President Zanfardino declared motion carried, and Ordinance #8021 adopted.

Clerk read Ordinance #8022 authorizing the Utilities Director to accept utility easements from Vickie Betancourt, Isaac Property Holding Company, Ltd., and John and Lydia Newlove for improvements on East Wooster Street, Third Street, and North Main Street, for third reading.

Council Member Aspacher moved, Dunn seconded, to adopt Ordinance #8022. On roll call vote, Council Members McOmber, Zanfardino, Aspacher, Dunn, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and Ordinance #8022 adopted.

Clerk read Ordinance #8023 approving the S-District Site Plan for the proposed skate park to be located in City Park, for third reading.

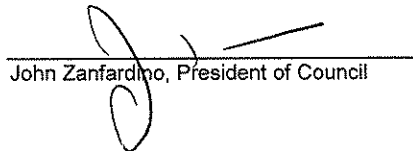
Council Member Zanfardino moved, Dunn seconded, to table Ordinance #8023 until July 19 at which time a public hearing will be held at 7:45 p.m. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Hollenbaugh, Kuhlman, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #8023 tabled until July 19, 2010.

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

Council Member McOmber moved, Hollenbaugh seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the July 6, 2010 regular meeting of the City Council at 8:57 p.m., subject to call.



Kay D. Scherrek, Clerk of Council



John Zanfardino, President of Council