

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 18142

Held MONDAY, JUNE 1, 2009 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 Newlove. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Dunn, Frost, Heminger, McOmber, Newlove, Sorrells, and Zanfardino responded. Also present were Mayor John Quinn, Municipal Administrator John Fawcett, City Attorney Michael Marsh, Public Works Director Brian Craft, Utilities Director Kevin Maynard, and Planning Director Rick Ketzenbarger. Parks and Recreation Director Michelle Grigore was not present. Acting Clerk Michelle Fitzgerald was in attendance in the absence of Clerk of Council Kay Scherreik.

Council President Newlove declared the minutes of the meeting held May 18, 2009 approved as distributed.

CORRESPONDENCE

Acting Clerk noted that an application was received from the Ohio Division of Liquor Control for a transfer of the class D1, D2, D3, D3A, and D6 liquor permit from Right Away, Inc., doing business as Junction Bar & Grill, located at 110 N. Main Street, Bowling Green, Ohio, to HP Corporation, Inc., doing business as City Tap The Attic at the same location. A check of the records has been requested from the Police Division.

Acting Clerk noted that an application was received for a transfer of a Class D5 liquor permit from BG Brewsters, Ltd., doing business as Brewsters Pourhouse, located at 135 N. Main Street, Bowling Green, Ohio to NWA Entertainment, LLC, doing business as Tubby's at the same location. A check of the records has been requested from the Police Division.

OFFICIAL REPORTS

Mayor John Quinn requested confirmation of the following list of reappointments and appointments to City Boards and Commissions:

Board/Commission	Name of Appointee	Term Length	Term Expiration
Civil Service Commission-to fill unexpired term of Al Newlove	Andy Newlove	3 Years	5/31/12
Bicycle Safety Commission	Emily Gerken, BGHS Representative	1 year	5/31/10
	Caleb Kurtz, BGSU Representative	1 year	5/31/10
Bowling Green Housing Agency, Board of Trustees	Ryan Holley	4 year	5/31/13
Income Tax Board of Review	Galen Finn	3 year	5/31/12

Council Member Dunn moved, McOmber seconded, to approve the appointments as presented by the Mayor. On unanimous voice vote, Council President Newlove declared motion carried.

Mayor Quinn announced that the Mayor's report is nearing completion and will be ready for distribution sometime in June.

Two long time City employees, Christopher Jackson, Information Technology Manager and Ronald Hafner, Engineering Technician, retired May 31, 2009. David McDonald has been appointed as Acting Information Technology Manager. In light of the current economic situation, the vacant positions will not be filled.

The annual *Pause for the Pledge* will be held on Monday, June 12, 2009. There will be a brief ceremony at 10:00 a.m. outside the Senior Center.

Municipal Administrator John Fawcett reported that Grants Administrator, Tina Bradley, will hold a public hearing on the Community Development Block Grant on June 4, 2009 at 4:00 p.m. She will be presenting a summary of the fiscal year 2009 CDBG Annual Plan. The CDBG fiscal year starts on September 1, 2009 and will run until August 31, 2010. She will also be presenting amendments to the fiscal year 2008 annual plan and the five year consolidated plan. She will then open it up for a public review and comment period from June 5 through July 7.

The City will host the annual Buckeye Boys State on June 16. Council Member Gordy Heminger will be leading the boys through interactive dialog.

Council Member Robert McOmber expressed concern regarding properties in which lawns were not being mowed. He specifically mentioned a property at Pearl Street and Buttonwood Avenue which is currently unoccupied. The lawn was mowed by a contractor but does not look much better. Fawcett responded that the City will continue to build a list of homes and react as well as possible and will make subsequent visits if needed. The City will make continue to work with property owners on corrective action measures. Public Works Director Brian Craft indicated that he will have the contractor revisit the property.

Planning Director Rick Ketzenbarger had no report.

Parks and Recreation Director Dr. Michelle Grigore was not present.

City Attorney Michael Marsh had no report.

Utilities Director Kevin Maynard reported that the bids are in for the ultraviolet disinfection system at the Wastewater Treatment Plant which is mandated by the National Pollutant Discharge Elimination permit. It was expected that the bids would come in between \$1.7 and \$1.9 million dollars; however, the apparent low bidder came in at \$1.47 million dollars. In addition, the City has received a \$400,000 Ohio Public Works Commission Issue 1 grant, so the project will be completed at a much lower cost than originally anticipated.

Public Works Director Brian Craft reported that the Conneaut sewer project is nearing completion. The sewer line was tested and approved, and concrete and asphalt work will be completed as weather permits.

NEW LEGISLATION

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

Council Member Newlove, for the Finance Committee, introduced a resolution amending the City of Bowling Green Financial and Debt policy.

Council Member Newlove, for the Finance Committee, introduced a resolution directing that tax levy be placed on the ballot for the general election November 3, 2009.

Council Member Newlove, for the Finance Committee, introduced an ordinance #7899 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 .20% effective January 1, 2010 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.

COUNCIL COMMITTEE REPORTS

Council Member Zanfardino rescheduled the Community Improvement Committee meeting for June 15, 2009 at 7:00 p.m. to continue discussions of proposed legislation regarding unlawful discrimination.

Council Member McOmber expressed concern regarding the proposed legislation for an additional .20% income tax. McOmber indicated that if this issue is put before the voters, he believes it should be based on the recommendation of Council that this is the best thing that Council can do to address the current financial situation.

McOmber also expressed concern over the part of the proposal that transfers \$400,000 from the general fund to the fire fund. He said he cannot see any legitimate reason to transfer that money into the fire fund other than to relieve the stress on general fund. He continued to say that he wants to make sure the facts about the proposal and the budget are clear to the voters and that the voters understand that in the proposed two-tenths increase, fourteen hundredths are for the fire fund and six hundredths are for the general fund.

There was discussion about taking the six hundredths for the general fund out of the proposal or amending the wording. Council Members also discussed the importance of voters knowing what services and positions will be cut should the income tax increase not pass. Council Member Dunn noted that he has asked for a list of items now covered in the budget that did not exist when the 1.5% tax increase became effective in the 1970's, such as recycling and information technology services.

A Committee of the Whole meeting was scheduled for Monday, June 8, at 6:00 p.m. to discuss the issue further.

LOBBY VISITATIONS

Jackie Nowicki, 625 Hickory Court, expressed concern over the proposed tax increase and said that she feels a tax increase is unreasonable in the current economy.

Jerry Bruns, 506 N. Wintergarden Road, addressed Council concerning the City's ordinance regulating the length of time a recreational vehicle can be parked in a person's driveway. He asked the rationale behind the ordinance and maintained that if the ordinance exists for aesthetic reasons only, it is unconstitutional. He was advised that the ordinance has not been declared unconstitutional at this point and is still enforceable. Council Members discussed revisiting the issue.

READING OF LEGISLATION

Acting Clerk read Resolution #3394 amending the City of Bowling Green Financial and Debt policy, for first reading.

Acting Clerk read Resolution #3395 directing that tax levy be placed on the ballot for the general election November 3, 2009, for first reading.

Acting Clerk read Ordinance #7899 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 .20% effective January 1, 2010 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, for first reading.

Acting Clerk read Ordinance #7897 authorizing the Utilities Director to execute an extension for professional government affairs services with the Ferguson Group, for second reading.

Acting Clerk read Ordinance #7898, amending and adopting Section 155.03 of the Codified Ordinances of the City of Bowling Green, Ohio, regarding tax exemptions for improvements within Community Reinvestment Areas, for second reading.

Acting Clerk read Ordinance #7891 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for the 2009 Carter and Western elevated storage tank improvements, for third reading.

Council Member McOmber moved, Heminger seconded, to adopt Ordinance #7891. On roll call vote, Frost, Heminger, McOmber, Newlove, Sorrells, Zanfardino and Dunn voted yes. Council President Newlove declared motion carried, and Ordinance #7891 adopted.

Acting Clerk read Ordinance #7892 authorizing the Utilities Director to accept an electric utility easement from Hartung Brothers, Inc., for third reading.

Council Member McOmber moved, Zanfardino seconded, to adopt Ordinance #7892. On roll call vote, Heminger, McOmber, Newlove, Sorrells, Zanfardino, Dunn and Frost voted yes. Council President Newlove declared motion carried, and Ordinance #7892 adopted.

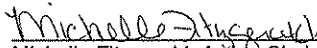
Acting Clerk read Ordinance #7893 authorizing the Utilities Director to accept utility easements from the Wood County Park District for South Maple Street storm water retention improvements, for third reading.

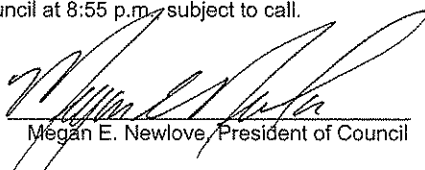
Council Member McOmber moved, Dunn seconded, to adopt Ordinance #7893. On roll call vote, McOmber, Newlove, Sorrells, Zanfardino, Dunn, Frost and Heminger voted yes. Council President Newlove declared motion carried, and Ordinance #7893 adopted.

Acting Clerk read Ordinance #7894 granting easement to Eric L. Palmer and Jacquelin L. Palmer for certain property in the southwest quarter of Section 25, Plain Township, Wood County, Ohio, for third reading.

Council Member Frost moved, McOmber seconded to adopt Ordinance #7894. On roll call vote, Newlove, Sorrells, Zanfardino, Dunn, Frost, Heminger and McOmber voted yes. Council President Newlove declared motion carried, and Ordinance #7894 adopted.

Council Member Heminger moved, Council Member Sorrells seconded, to adjourn. On unanimous voice vote, Council President Newlove adjourned the June 1, 2009 regular meeting of the City Council at 8:55 p.m. subject to call.


Michelle Fitzgerald, Acting Clerk of Council


Megan E. Newlove, President of Council