

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held MONDAY, SEPTEMBER 20, 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 8:05 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, Parks and Recreation Director Michelle Grigore, Public Works Director Brian Craft, Utilities Director Kevin Maynard, and Planning Director Heather Saylor.

Council President Zanfardino declared the minutes of the meeting held September 7, 2010 approved as distributed.

CORRESPONDENCE

Clerk noted that a listing of budget transfers for the month of September was received from Finance Director Brian Bushong and distributed to Council prior to the meeting for approval. Council Member McOmber moved, Kuhlman 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 for the record that copies of the Budget Summary Report for the month of August 2010 was distributed to Council prior to this evening's meeting.

OFFICIAL REPORTS

Mayor John Quinn welcomed Boy Scouts Pack #485 to this evening's meeting. Mayor Quinn presented a Certificate of Appreciation to Will Roudebush for his dedicated service on the City's Planning Commission from December 1999 to May 2010.

Mayor Quinn reported that he is forming a committee to promote the upcoming 0.08% fire levy on the November ballot. Mayor Quinn invited interested Council Members to participate on the committee noting that passage of this fire levy is essential.

Municipal Administrator John Fawcett had no report.

Council Member Dunn reported that he received a number of complaints regarding the religious group that was proselytizing during the Black Swamp Arts Festival. Dunn wondered what the City had done or was planning to do in future situations.

City Attorney Michael Marsh responded that the City had advance notice that this particular religious group would be active during the festival and that he and City Prosecutor Matt Reger looked at case law for ways to handle the situation. Marsh further noted that because the event was held in public space that there is lots of case law regarding what people can say or do on a public sidewalk.

Dunn questioned their use of a bullhorn and expressed concern regarding the volume of their message. Marsh responded that the law does allow for amplification of the voice and the test is what is reasonable which is hard to discern. Marsh noted that this is a First Amendment issue and people are allowed to say what they want, however, they will continue to look into it and explore available options.

Planning Director Heather Saylor had no report.

Parks and Recreation Director Michelle Grigore invited Council Members and citizens to the Park & Recreation Foundation's annual Wine & Cheese social and auction to be held on Friday, September 24, at the Simpson Building beginning at 5:00 p.m.

City Attorney Michael Marsh had no report.

Utilities Director Kevin Maynard had no report.

Public Works Director Brian Craft updated Council on current projects and noted that curbside brush pick up will be done the week of October 4 and leaf pick up will begin the week of October 25.

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 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 Zanfardino, for the Community Improvement Committee, introduced a resolution adopting and authorizing an amended B.G. Transit Drug and Alcohol Testing Policy.

COUNCIL COMMITTEE REPORTS

Council Member McOmber reported that the Finance Committee met earlier this evening to address issues regarding the upcoming 2011 budget. Another meeting of the Finance Committee was scheduled for Monday, October 4, at 7:00 p.m. to continue the discussion.

LOBBY VISITATIONS

Chris Ostrowski, 222 Pearl Street, addressed Council regarding the proposed legislation regulating biofuel burners. Mr. Ostrowski expressed his concern over "grandfathering in" existing biofuel burners and indicated that he would like to see them banned entirely.

Roger Mazzarella, 1237 Brownwood Drive, addressed Council regarding the street preachers at the Black Swamp Arts Festival. Mr. Mazzarella indicated that something needs to be done as some of the things he heard, in his opinion, infringed on the right of the pursuit of happiness and were not free speech.

Tim Dunn, President of the Bowling Green Pee Wee Baseball Association, updated Council on the baseball association's season participants and gave an overview of their accomplishments at the Carter Park facility.

READING OF LEGISLATION

Clerk read Resolution #3445 adopting and authorizing an amended B.G. Transit Drug and Alcohol Testing Policy, for first reading.

Council Member Zanfardino moved, Dunn seconded, to suspend the rules and give Resolution #3445 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 #3445 for second and third reading by number and title only.

Council Member Zanfardino moved, Kuhlman seconded, to adopt Resolution #3445. On roll call vote, Council Members Hollenbaugh, Kuhlman, McOmber, Zanfardino, Aspacher, and Dunn voted yes. Council President Zanfardino declared motion carried, and Resolution #3445 adopted.

Clerk read Ordinance #8048 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, Aspacher seconded, to suspend the rules and give Ordinance #8048 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 #8048 for second and third reading by number and title only.

Council Member McOmber moved, Kuhlman seconded, to adopt Ordinance #8048. On roll call vote, Council Members McOmber, Zanfardino, Aspacher, Dunn, Hollenbaugh, and Kuhlman voted yes. Council President Zanfardino declared motion carried, and Ordinance #8048 adopted.

Clerk read Ordinance #8044 authorizing the sale or disposal of miscellaneous transit service vehicles by the Municipal Administrator as no longer necessary for municipal purposes, for second reading.

Clerk read Ordinance #8045 amending and adopting Section 152.20(G) of the Codified Ordinances of the City of Bowling Green, Ohio, relating to biofuel burners, for second reading.

Clerk read Ordinance #8047 amending and adopting Sections 150.10 and 150.16 and 150.32 and 150.66 of the Codified Ordinances of the City of Bowling Green, Ohio, concerning Recreational-Conservation Zoning District, for second reading.

Clerk read Ordinance #8040 amending Section 38.02(A) of the Codified Ordinances of the City of Bowling Green, Ohio, by inclusion of 70.15 Obeying Traffic Control Devices as a Class A Civil Offense, for third reading.

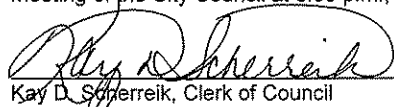
Council Member Hollenbaugh moved, Dunn seconded, to adopt Ordinance #8040. On roll call vote, Council Members Zanfardino, Aspacher, Dunn, Hollenbaugh, Kuhlman, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #8040 adopted.

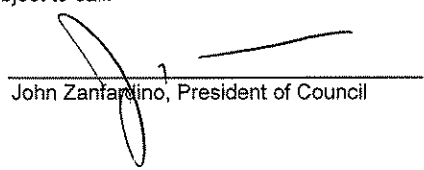
Clerk read Ordinance #8041 approving the S-District Site Plan for the Heritage Corner Health Care Campus new building & parking lot, for third reading.

Council Member Hollenbaugh moved, McOmber seconded, to table Ordinance #8041 until October 4, 2010 at which time a public hearing will be held regarding this ordinance. On roll call vote, Council Members Aspacher, Dunn, Hollenbaugh, Kuhlman, McOmber, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Ordinance #8041 tabled until October 4, 2010.

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

Council Member Aspacher moved, Dunn seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the September 20, 2010 regular meeting of the City Council at 8:50 p.m., subject to call.


Kay D. Scherrek, Clerk of Council


John Zanfardino, President of Council



September 20, 2010

TO: Bowling Green City Council

FROM: Brian Bushong, Finance Director

Transfers requested for the month of September include:

Fund	Dept.	Account	Description	From	To
2019	560	93100	Neighborhood Stabilization Program Grant, Neighborhood Stabilization, Advances To General	\$ 30,000.37	
1010	000	69420	General, Revenue, Transfer From Special Revenue		\$ 30,000.37
Total				\$ 30,000.37	\$ 30,000.37