

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

**MONDAY, AUGUST 5, 2013**

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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 7:00 p.m. by Council President Zanfardino. The meeting began with the Pledge of Allegiance.

On roll call, Council Members Aspacher, Gordon, Jeffers, McOmber, Piasecki, Rowland and Zanfardino responded. Also present were Mayor Richard Edwards, Municipal Administrator John Fawcett, City Attorney Michael Marsh, Public Works Director Brian Craft, and Utilities Director Brian O'Connell. Planning Director Heather Sayler and Parks and Recreation Director Michelle Grigore were not present.

Council President Zanfardino declared the minutes of the meeting held July 15, 2013 approved as distributed. Council Member Gordon noted that the July 1, 2013 minutes were amended to include some discussion regarding the appointment of Council Member Piasecki that were excluded because the audio disk from the meeting was damaged and the Clerk was unable to hear the discussion. Therefore, Council Member Zanfardino declared the minutes of the July 1 meeting approved as amended.

**CORRESPONDENCE**

There was no correspondence.

**OFFICIAL REPORTS**

Mayor Dick Edwards had no report.

Municipal Administrator John Fawcett reported that the Police Division is currently undergoing a three day accreditation process. As part of that process, a public hearing will be held tomorrow, August 6, at 5:30 p.m. in the Simpson Building to hear input from the public. Fawcett also noted that comments can also be phoned in and proceeded to give the phone number.

Planning Director Heather Sayler was not present.

Parks and Recreation Director Michelle Grigore was not present.

City Attorney Michael Marsh had no report.

Council Member Jeffers asked Marsh about a proposed anti-fracking ordinance that was prepared and sent to Council for their review because of what some consider confusing language in the proposed charter amendment, along with possible negative effects on business activity in the City.

City Attorney Michael Marsh responded that the purpose of the proposed anti-fracking ordinance was to specifically target fracking because it's at the very least confusing and could have potential unintended consequences due to some of the language. Marsh said that if the intended target is to ban fracking in the City, then this proposed ordinance targets fracking without the extra wording that may have a negative impact. Marsh went on to say that in his opinion that it doesn't make a difference whether it's an amendment to the City's Charter or an ordinance enacted by City Council on whether or not it is upheld by the Courts. Marsh explained that he believes that state law would preempt any fracking law that City Council or the voters might approved. He indicated that he prefers using an ordinance rather than amending the Charter. The Charter speaks to the governance of the City, while ordinances deal with specific issues.

Council Member Aspacher commented that he finds this approach interesting and appeals to him because it is an ordinance written by Bowling Green people and with the best interests of the citizens in mind. The Charter amendment was written by people outside of Bowling Green. Aspacher asked Marsh if there would be conflicts if Council adopted an ordinance and if the Charter amendment was approved by the voters. Marsh responded that he did not see a problem with having both, but the Charter

amendment brings other restrictions into the issue that could have a negative impact on the business environment in Bowling Green. Aspacher said that he likes this approach because it deals with the issue of fracking in a direct manner.

Council President Zanfardino commented that he would like to see some examples of how this could affect the business environment in the City and asked the City Attorney to put together an opinion on that topic.

Public Utilities Director Brian O'Connell gave an update on recovering efforts of the recent storm damage and noted that they are still in the process of evaluating the costs associated with the damage for insurance purposes.

Public Works Director Brian Craft reported that Public Works performed a city-wide brush collection service due to the recent storms and took approximately 110 tons of debris to the landfill at a cost of \$15,000. Craft also reported that work is continuing on the painting of the Heritage 2000 light poles in the downtown area. In addition, bids were received for the ODOT rock salt purchase and the price received was \$32.52/ton which is down from the \$41.90/ton that was paid last year.

### **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 authorizing a lump sum payment for non-bargaining personnel, and declaring an emergency.

Council Member Zanfardino, for the Community Improvement Committee, introduced an ordinance amending and adopting Section 99.11 of the Codified Ordinances of the City of Bowling Green, Ohio, with respect to trimming trees on private property.

### **COUNCIL COMMITTEE REPORTS**

Council Member Gordon reported that he met with officials from Bowling Green State University to discuss the five action steps endorsed by the Community Improvement Committee at its last meeting. Gordon stated that he had met with Jessica Turos, Assistant Director of the Career Center, and Jeffrey Jackson, Director of the Career Center and Assistant Vice President for Enrollment Management, to learn more about options regarding the creation of student internships in the city; and Michael Ginsburg, Associate Dean of Students, and Deborah Novak, Assistant Dean of Students, to brainstorm ways to proceed with work on the student-led neighborhood cleanup campaign, renter orientation sessions, campus meetings of City Council, and town-gown commission. Gordon noted that all parties were excited to continue the dialogue and work with the City to make progress on the action steps.

### **LOBBY VISITATIONS**

Leslie Harper, 23767 W. River Road, Grand Rapids, Ohio, updated Council on the current petition drive on the Charter amendment regarding fracking. Ms. Harper shared their concerns over enacting an ordinance and the fact that the ordinance could be amended or repealed at anytime in the future by future Councils. They feel that the Charter amendment alleviates that concern.

Lisa Koheiser, 1045 Varsity West, also addressed City Council on the proposed Charter amendment saying that they see the amendment as a more permanent solution to the fracking issue. She noted that members of Council change and may not always feel the same way about the issue. An ordinance can be repealed by Council, but a Charter amendment would take a vote of the people.

### **READING OF LEGISLATION**

Clerk read Ordinance #8262 authorizing a lump sum payment for non-bargaining personnel, and declaring an emergency, for first reading.

Clerk read Ordinance #8263 amending and adopting Section 99.11 of the Codified Ordinances of the City of Bowling Green, Ohio, with respect to trimming trees on private property, for first reading.

Clerk read Ordinance #8261 authorizing the Municipal Administrator to enter into a contract with Wide Area Media, LLC for the purchase of an audio and visual system for the Bowling Green Municipal Court, and declaring an emergency.

Council Member McOmber moved, Jeffers seconded, to suspend the rules and give Ordinance #8261 its third reading. On roll call vote, Council Members Gordon, Jeffers, McOmber, Piasecki, Rowland, Zanfardino, and Aspacher voted yes. Council President Zanfardino declared motion carried, and rules suspended.

Clerk read Ordinance #8261 for third reading by number and title only.

Council Member McOmber moved, Rowland seconded, to adopt the emergency clause for Ordinance #8261. On roll call vote, Council Members Jeffers, McOmber, Piasecki, Rowland, Zanfardino, Aspacher, and Gordon voted yes. Council President Zanfardino declared motion carried, and the emergency clause adopted.

Council Member McOmber moved, Aspacher seconded, to adopt Ordinance #8261. On roll call vote, Council Members McOmber, Piasecki, Rowland, Zanfardino, Aspacher, Gordon, and Jeffers voted yes. Council President Zanfardino declared motion carried, and Ordinance #8261 adopted.

Clerk read Ordinance #8259 authorizing the Utilities Director to enter into a contract or contracts with Power Line Supply Company for the purchase of LED retrofit kits to upgrade the City's downtown street lighting, and to advertise for bids and enter into a contract or contracts for the installation of the LED retrofit kits, third reading.

Council Member Aspacher moved, Rowland seconded, to adopt Ordinance #8259. On roll call vote, Council Members Piasecki, Rowland, Zanfardino, Aspacher, Gordon, Jeffers, and McOmber voted yes. Council President Zanfardino declared motion carried, and Ordinance #8259 adopted.

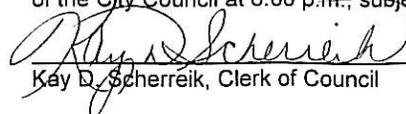
Clerk read Ordinance #8260 authorizing the Utilities Director to advertise for bids and enter into a contract or contracts for the supplying of annual inventory requirements, underground and overhead lines insurance, and sale of scrap materials for calendar year 2014, for third reading.

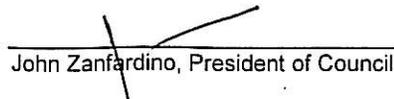
Council Member Aspacher moved, Rowland seconded, to adopt Ordinance #8260. On roll call vote, Council Members Rowland, Zanfardino, Aspacher, Gordon, Jeffers, McOmber, and Piasecki voted yes. Council President Zanfardino declared motion carried, and Ordinance #8260 adopted.

Council Member Piasecki noted that a public hearing was held for Ordinance #8256 Ordinance establishing interim zoning of R-2 Single Family Residential zoning for the 0.75 acres of land generally known as 16381 Brim Road and recently annexed to the City of Bowling Green, and no detrimental information was heard. Piasecki moved, Jeffers seconded, to adopt Ordinance #8256. On roll call vote, Council Members Zanfardino, Aspacher, Gordon, Jeffers, McOmber, Piasecki, and Rowland voted yes. Council President Zanfardino declared motion carried, and Ordinance #8256 adopted.

Council Member Piasecki noted that a public hearing was held for Ordinance #8257 amending and adopting Section 150.103(D) and 150.40(E) of the Codified Ordinances of the City of Bowling Green, Ohio, relating to utility data on site plans. Piasecki moved, Aspacher seconded, to adopt Ordinance #8257. On roll call vote, Council Members Aspacher, Gordon, Jeffers, McOmber, Piasecki, Rowland, and Zanfardino voted yes. Council President Zanfardino declared motion carried, and Ordinance #8257 adopted.

Council Member Rowland moved, Piasecki seconded, to adjourn. On unanimous voice vote, Council President Zanfardino adjourned the August 5, 2013 regular meeting of the City Council at 8:00 p.m., subject to call.

  
Kay D. Scherrek, Clerk of Council

  
John Zanfardino, President of Council